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General Assembly
Sixty-fourth session

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Sixth Committee

Summary record of the 1st meeting
Held at Headquarters, New York, on Monday, 5 October 2009, at 10 a.m.

Chairman: Mr. Benmehidi ..... (Algeria)

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Agenda item 142: Administration of justice at the United Nations

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09-54185 (E)

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The meeting was called to order at 10.15 a.m.

Election of officers

1. **The Chairman** recalled that as at 10 June 2009, when the Committee had elected its officers for the sixty-fourth session of the General Assembly, the Group of Latin American and Caribbean States had not yet nominated a candidate for Vice-Chairman. Furthermore, Mr. Cartuyvels (Belgium), who had been elected Rapporteur for the session, had subsequently returned to his capital. It would therefore be necessary for the Committee to elect a Vice-Chairman and a new Rapporteur. He had been informed that the Group of Latin American and Caribbean States had nominated Mr. Böhlke (Brazil) for the post of Vice-Chairman and that the Group of Western European and Other States had nominated Mr. Janssens de Bisthoven (Belgium) for the post of Rapporteur.

2. *Mr. Böhlke (Brazil) was elected Vice-Chairman and Mr. Janssens de Bisthoven (Belgium) was elected Rapporteur by acclamation.*

Organization of work (A/C.6/64/1, A/C.6/64/L.1)

3. **The Chairman** drew attention to the allocation of agenda items to the Committee, as contained in document A/C.6/64/1, and to the note by the Secretariat entitled "Organization of work" (A/C.6/64/L.1), in particular paragraphs 7 to 10 concerning the establishment of working groups.

4. With regard to agenda item 142, "Administration of justice at the United Nations", it was his understanding that the Committee wished, in accordance with the recommendation of the Ad Hoc Committee on the Administration of Justice at the United Nations, to establish a working group to be chaired by Mr. Sivagurunathan (Malaysia), with a view to continuing the discussion on the outstanding legal aspects of the administration of justice at the United Nations, taking into account the deliberations in the Ad Hoc Committee and bearing in mind the decision of the Assembly to revert to the issue of the scope of the system of administration of justice at its sixty-fifth session, with a view to ensuring that effective remedies were available to all categories of United Nations personnel, with due consideration given to the types of recourse that were the most appropriate to that end, and that the working group would be open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency (IAEA).

5. *It was so decided.*

6. **The Chairman**, referring to agenda item 106, "Measures to eliminate international terrorism", said it was his understanding that the Committee wished, in accordance with the recommendation of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996, to establish a working group, to be chaired by Mr. Perera (Sri Lanka), with a view to finalizing the draft comprehensive convention on international terrorism and continuing to discuss the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations, and that the working group would be open to all States Members of the United Nations or members of specialized agencies or of IAEA.

7. *It was so decided.*

8. **The Chairman**, referring to agenda item 78, "Criminal accountability of United Nations officials and experts on mission", said it was his understanding that the Committee wished to establish a working group, to be chaired by Ms. Telalian (Greece), to consider the report of the Group of Legal Experts (A/60/980), in particular its legal aspects, taking into account the views of Member States and the information contained in the note by the Secretariat (A/62/329), and that the working group would be open to all States Members of the United Nations or members of specialized agencies or of IAEA.

9. *It was so decided.*

10. **The Chairman** drew attention to the proposed timetable for the Committee's work, contained in paragraphs 3 to 6 of the note entitled "Organization of work" (A/C.6/64/L.1). A table showing the proposed overall work programme had been posted on the Committee's website. In accordance with established practice, the proposed work programme would be applied with flexibility in light of the progress made by the Committee, which would take action on draft resolutions as soon as they were ready for adoption.

11. The Committee must allow sufficient time for preparation and consideration of the estimates of expenditure arising from draft resolutions. Since it was scheduled to conclude its work on 14 November 2009,

all draft resolutions with financial implications must be submitted to the Fifth Committee by 31 October 2009, except for those relating to agenda items scheduled to be considered after that date. He took it that the Committee wished to proceed accordingly.

12. *It was so decided.*

13. **The Chairman** stressed that the Committee was required to make full use of conference resources and facilities. Although over the past four sessions it had shown an improvement in that regard, during its most recent session it had lost almost nine hours because of meetings starting late and ending early. Its conference service utilization factor would improve further if discussions began on time and if, in the event that the Committee was unable to proceed with discussion of an item, delegations were prepared to consider the next item on the agenda.

14. He took it that the Committee wished, as in the past, to follow the practice of the General Assembly in giving precedence on the list of speakers to representatives of regional groups or other groups of States.

15. *It was so decided.*

16. In that connection, he drew attention to paragraph 13 of General Assembly resolution 59/313, which invited Member States that were aligned with statements already made by the chair of a group of Member States, where possible, to focus additional interventions made in their national capacity on points that had not already been adequately addressed in the statements of the groups in question, bearing in mind the sovereign right of each Member State to express its national position.

Agenda item 142: Administration of justice at the United Nations (A/64/55, A/64/229, A/64/292, A/64/269 and A/64/314)

17. **Mr. Sivagurunathan** (Malaysia), Chairman of the Ad Hoc Committee on the Administration of Justice, introducing the report of the Ad Hoc Committee (A/64/55), said that during its discussions, held at United Nations Headquarters from 20 to 24 April 2009, the working group of the whole of the Ad Hoc Committee had focused on the scope *ratione personae* of the new system of administration of justice, in particular with regard to the situation of non-staff personnel, the remedies available to the various categories of such personnel and possible options for ensuring that they were provided with effective mechanisms for the settlement of disputes with the Organization. The working group had also addressed the issues of legal assistance to staff; the filing of applications by staff associations; and the selection and nomination of candidates for the United Nations Dispute Tribunal and the United Nations Appeals Tribunal. He was pleased that, as recommended by the Ad Hoc Committee, the Sixth Committee had decided to establish a working group on administration of justice at the United Nations.

18. **Ms. Negm** (Egypt), speaking on behalf of the Group of African States, stressed that it was important for all non-staff personnel to have access to effective remedies and adequate means of legal redress. The Group supported the Secretary-General's efforts to strengthen the Mediation Division and the activities of the Office of the Ombudsman, which should continue to be guided by the core principles of independence, neutrality, confidentiality and informality. All individuals accused of a particular act of misconduct should receive equal treatment, regardless of their duty station, nationality, position or category. Lastly, the Group believed that the time was ripe to finalize all pending issues, including that of scope.

19. **Mr. Heller** (Mexico), speaking on behalf of the Rio Group, said that the Group noted with satisfaction the many appointments of senior internal justice officials in 2009. At the current session, the Committee should focus on consideration and adoption of the rules of procedure of the Dispute and Appeals Tribunals; if time permitted, other legal matters that fell within the scope of General Assembly resolution 63/253 could be discussed. The Rio Group looked forward to receiving a progress report from the Secretariat on the key components of the administration of justice system, particularly management evaluation and the Mediation Division. He urged the Office of the Ombudsman to issue its own terms of reference as soon as possible and to indicate how the harmonization of its functions within the United Nations system was proceeding. Other areas requiring attention were providing for proper interaction between the formal and informal systems, ensuring sufficient access for staff members in the field and finalizing the draft code of conduct for judges.

20. The Rio Group attached great importance to ensuring a smooth, gap-free conversion to the new

system and took note of the Secretary-General's bulletin on transitional measures related to the introduction of the new system of administration of justice (ST/SGB/2009/11). With regard to cost-sharing arrangements, the relevant entities had been given time to consider whether to join the new system and negotiations on the matter should have been concluded. The Group stressed the need to clear the backlog of cases before the Administrative Tribunal and to clearly define lines of responsibility and accountability during the investigative process under the new system. The positive and functional elements of the old system should be retained; in particular, the new Office of Staff Legal Assistance should continue to provide legal advice and representation as its predecessor, the Panel of Counsel, had done.

21. **Mr. Lundkvist** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania and Serbia; and, in addition, Norway, the Republic of Moldova and Ukraine, said that the new administration of justice system had already begun to prove itself. The European Union welcomed the adoption of General Assembly resolution 63/253; the appointment of all the judges for the Dispute and Appeals Tribunals; the establishment of the Office of Administration of Justice, the Office of the Ombudsman and the Registries; and the submission of draft rules of procedure of the two Tribunals. It was ready to approve the draft rules without delay and expected other delegations to be in a position to do the same.

22. Several outstanding issues would have to be addressed by both the Fifth and Sixth Committees, including those relating to effective remedies for non-staff personnel, the provision of legal assistance to staff and the question of whether staff associations could file applications before the Tribunals. In considering those matters, delegations should trust the new system to establish its own working practices, avoid micromanagement, limit their efforts to areas in which their guidance would be truly useful and focus on how best to prepare for the sixty-fifth session of the General Assembly, which would conduct a comprehensive review of the new system.

23. The European Union had consistently stressed that the new system should be consistent with a number of fundamental principles of the rule of law and due process, including the right to an effective remedy, equal access to justice and the right to be heard. Providing an effective remedy to all persons who performed work for the Organization was of paramount importance to its credibility and effectiveness; consideration should be given to the most appropriate types of recourse.

24. Lastly, the Working Group should take up the suggestions contained in the report of the Ad Hoc Committee (A/64/55) so that the Committee could make meaningful proposals to the Fifth Committee prior to the General Assembly's consideration of the agenda item at its sixty-fifth session.

25. **Mr. Morrill** (Canada), speaking on behalf of the CANZ group of countries (Canada, Australia and New Zealand), said that, since the United Nations sought to promote respect for individual rights and the rule of law, it was vital for its internal system of administration of justice to reflect those values. The system should also be fair and effective and should have the trust of personnel, administrators and Member States. The CANZ countries were pleased to note that, as a result of the past work of the Sixth and Fifth Committees, the new system was now in operation. The transition from the old to the new system had been smooth and the appointment of judges had proceeded in an exemplary manner.

26. The CANZ countries endorsed the rules of procedure of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal and were pleased with the performance of both Tribunals to date. However, since the new system had been in operation for only a few months, the time was not yet ripe for its further modification or extension. Considerable experience with the new system should be accumulated before consideration of further issues relating to the administration of justice within the United Nations.

27. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) said that the United Nations, while working to promote the rule of law, democracy, transparency and good governance around the world, had long had an internal system of administration of justice that was slow, cumbersome, costly and contrary to international law and international human rights norms. He therefore welcomed the introduction of the new system, which must distinguish itself from the old one by being independent, professional and accountable, inspiring confidence among staff and promoting a better working

environment. Appointments of judges should always be based on merit and competence rather than patronage and subjective criteria.

28. With regard to disciplinary matters, the Secretary-General's proposal to implement a limited delegation of authority in a phased manner to heads of mission and offices away from Headquarters should be taken up swiftly, beginning with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the United Nations Mission in the Sudan (UNMIS), the African Union-United Nations Hybrid Operation in Darfur (UNAMID), the United Nations Mission in Liberia (UNMIL) and the United Nations Operation in Côte d'Ivoire (UNOCI).

29. As to the informal settlement of disputes, the link between the formal and informal systems should be respected. A provision stating that disputes not previously submitted for the mediation procedure could not be brought before the Dispute Tribunal would make the system much more practical and effective and would help to avoid unnecessary litigation. His delegation welcomed the two-tier formal system, which guaranteed that each case would be judged de facto and de jure. It would also make it possible to limit judicial errors and dogmatism and would allow the parties an opportunity to strengthen their cases. Binding decisions and appropriate remedies would restore the prestige of the United Nations in that regard.

30. **Mr. Bichet** (Switzerland) said that his country, as both a Member State and a host country of the United Nations, welcomed the recent establishment of a new system for the administration of justice. Certain provisions of the rules of procedure of the two new Tribunals did not fully meet his delegation's expectations, but in the interests of compromise and allowing the new system to function, it was prepared to accept them as they stood, and he hoped that other delegations would show similar flexibility.

31. The primary objective of the administration of justice reform should be to allow all persons, regardless of the nature of their contractual relationship with the United Nations, to be heard by an independent body if they felt that their rights or the rules of the Organization had not been respected. Any exclusion of particular categories of staff from the new system should be clearly justified and based on objective grounds, and those excluded must have access to other effective avenues of appeal. It was a welcome development that, under General Assembly resolution 63/253, interns, type II gratis personnel and volunteers other than United Nations Volunteers could request a management evaluation and that all persons who had had access to the Office of the Ombudsman under the old system would also have access to the new informal system.

32. However, those provisions, on the implementation of which his delegation wished to be kept informed, could not replace recourse to fair proceedings, which only an independent body was capable of assuring. The creation of a separate independent body for the staff categories in question was not an appropriate solution, except in the case of consultants and individual contractors, whose relationship with the Organization was of a different nature. For the latter category, his delegation was open to discussing the proposal made by the United States delegation. For other staff categories, it would be more efficient and less costly to allow them access to the Dispute and Appeals Tribunals. In 2008, only 8 per cent of cases brought to the attention of the new integrated Office of the United Nations Ombudsman and Mediation Services had been brought by non-staff personnel, which included consultants, individual contractors, interns, volunteers and military. If a separate avenue of appeal were created for consultants and individual contractors, who had accounted for the majority of those cases, opening access to the Tribunals to the other categories of personnel would increase the number of cases by only 2 or 3 per cent.

33. **Ms. Negm** (Egypt) said that it was important to continue the process of reforming the United Nations internal justice system, both formal and informal, so as to strengthen the rule of law in the Organization and to provide legal and judicial protection for all its personnel. The rules of procedure of the two new Tribunals were consistent with their statutes and should be approved.

34. The jurisdiction of the formal system of justice should be expanded to cover non-staff personnel, since the new system was intended to ensure impartiality, fairness, transparency and efficiency and to uphold the rule of law within the Organization. The extent to which the mechanisms currently available ensured the rights of non-staff personnel should be evaluated, especially as very few cases involving such personnel were settled through the Arbitration Rules of the

United Nations Commission on International Trade Law (UNCITRAL) owing to the costs involved.

35. With regard to cases of misconduct or criminal behaviour, it was important to verify that the staff member had committed the act in question and to achieve proportionality between the gravity of the act and the disciplinary measures imposed. Moreover, the principle that all were equal before the law should be applied through the imposition of the same penalties for the same misconduct, where the circumstances were similar or identical. In certain cases referred to in the report on the practice of the Secretary-General in disciplinary matters and possible criminal behaviour (A/64/269), staff members who had committed identical offences had been subject to different disciplinary measures. Action should be taken to eliminate such disparities.

36. The increased number of cases brought to the attention of the Office of the United Nations Ombudsman and Mediation Services was a positive phenomenon, since it helped to reduce the number of cases in the formal system, thus accelerating the achievement of justice and reducing costs. Her delegation welcomed the steps taken by the Office to promote informal approaches to resolving conflict at an early stage. The Office should be guided by the core principles of independence, neutrality and confidentiality and should employ fair and equitably administered processes. It should also conclude the process of establishing a roster of mediators and extend it to serve the regional branch offices. Her delegation also supported efforts to raise awareness of the services provided by the Office, particularly among staff in remote regions. Such efforts could include the distribution of flyers, the dissemination of information via the Intranet and presentations to staff, particularly new recruits.

37. **Ms. Onanga** (Gabon) said that ensuring uniformity in the administration of justice at the three duty stations where the Registries had been established should be a priority. Her delegation attached great importance to multilingualism in the new system; it was therefore regrettable that none of the judges of the Dispute Tribunal in New York spoke French, which was one of the working languages of the United Nations. That situation was inconsistent with General Assembly resolution 62/228, in which the Assembly stressed the importance of ensuring access for all staff members to the system of administration of justice, and action should be taken to address the problem. Lastly, the formal system should be extended to non-staff personnel, who should also continue to have access to the informal system of dispute resolution.

38. *Mr. Baghaei Hamaneh (Islamic Republic of Iran), Vice-Chairman, took the Chair.*

39. **Mr. Choudhary** (India) welcomed the appointment of the judges, including one from India, to the new Tribunals. The new formal system of administration of justice, together with the strengthened informal system, would make it possible to resolve work-related disputes in an independent, transparent, impartial, efficient and effective manner and would help to ensure trust between staff and management. However, further discussion was required on some outstanding issues, including the scope of the new system, legal assistance to staff and the question of whether staff associations could file applications before the Dispute Tribunal.

40. General Assembly resolution 63/253 recognized management evaluation as a key component of the new system of administration of justice, and it granted interns, type II gratis personnel and volunteers other than United Nations Volunteers the possibility of requesting such an evaluation. However, it did not grant those categories of personnel access to the new Tribunals. His delegation believed that all members of the United Nations workforce should have access to justice and was willing to consider various proposals and options in that regard. The Office of Staff Legal Assistance should be strengthened so as to ensure that no one was left without legal recourse. The new system of administration of justice should remain consistent with the outcome of human resources reform in the United Nations system.

41. **Ms. Sarne** (Philippines) said that the rules of procedure of the new Tribunals were crucial to achieving the goal of an independent and impartial system of administration of justice; she looked forward to their approval. If proceedings of the Dispute Tribunal were suspended for referral to mediation, the timing of any such suspension must be appropriate and the mediation itself must be conducted in a timely manner, since justice delayed was justice denied. Moreover, mediation must result in fair and timely decisions if it was to be viewed as a desirable method of dispute resolution.

42. Turning to the report on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/64/314), she noted that action that had been taken to address past systemic issues, including the introduction of management development courses, the revamping of the terms and procedures of the national competitive examination programme and the harmonization of contracts. Also to be commended were the Office's efforts to inform staff about its role and activities and to emphasize the value of the informal resolution of conflicts. Lastly, her delegation welcomed the efforts being made to ensure a smooth transition from the old system of administration of justice to the new one, particularly by the recently abolished Joint Appeals Board, Joint Disciplinary Committees and Panel of Counsel.

43. **Mr. Kuzmin** (Russian Federation) said that, through close cooperation and within a relatively short space of time, Member States had laid the foundations for an independent, transparent, professional and decentralized system of administration of justice that was consistent with international law and with generally accepted standards for judicial procedures, and which would help to strengthen the rule of law within the United Nations. The new Tribunals would require continued support from Member States in order to fulfil the objective of qualitatively improving the Organization's dispute settlement machinery and to settle cases inherited from the old system. Greater use of informal procedures, particularly mediation services, could help to ease the burden. His delegation stood ready to discuss the rules of procedure of the new Tribunals with a view to recommending them for approval.

44. The new system of administration of justice should be subject to periodic review. Effective remedies should be available to all categories of United Nations personnel, in accordance with resolution 63/253. In that regard, a useful discussion of the scope of the new system had taken place at the 2009 session of the Ad Hoc Committee on the Administration of Justice at the United Nations. His delegation was also interested in further discussion of issues relating to the provision of legal assistance.

45. **Mr. Gbouabré** (Côte d'Ivoire) said that the new system of administration of justice, comprising both informal conflict resolution and the two-tier formal system, would help to ensure that the rights of various categories of personnel were respected and that all were held responsible for their actions in the event of serious misconduct. One of the outstanding issues to be resolved was the scope of the new system. In accordance with the principle of equality of all before the law, effective remedies should be available to all categories of United Nations personnel, including non-staff personnel. Some key elements of administrative law should be given consideration. As a first step, non-staff personnel performing personal service for the United Nations should be entitled to request a management evaluation of a contested decision and, as a second step, they should have the opportunity to appeal the first decision. The Working Group could discuss that issue further. Other matters requiring further discussion were legal assistance to staff and the question of whether staff associations could file applications.

46. The presence of a United Nations peacekeeping mission in Côte d'Ivoire for nearly seven years had raised the question of punishment for a number of types of misconduct, sometimes criminal in nature, by officials and other staff on mission abroad or at Headquarters. In accordance with the principles of legality and due process, the possibility of Member States or other interested parties filing complaints should be discussed. The United Nations wished to set an example in terms of protecting the rights of its staff. It should also ensure that no shadow of a doubt could be cast on their accountability and professional integrity.

47. **Mr. Simonoff** (United States of America) said that the introduction of the new system of administration of justice was a major milestone in the reform of the United Nations. The establishment of the two new Tribunals would have a significant positive impact on the transparency, fairness, efficiency and accountability of the United Nations personnel system. One of the Committee's tasks at the current session was to decide whether to recommend for approval the rules of procedure of each Tribunal. Article 7 of the statute of the Dispute Tribunal and article 6 of the statute of the Appeals Tribunal provided that certain provisions should be included in the rules. In his delegation's view, each set of rules was consistent with the respective Tribunal's statute.

48. The new system would need to operate for some time before a full assessment could be made of its work. That was why the General Assembly, in its resolution 63/253, had requested the Secretary-General

to review the new system and report thereon to the General Assembly at its sixty-fifth rather than its sixty-fourth session. Similarly, the statutes of the Tribunals would be reviewed at the sixty-fifth session.

49. With regard to the scope of the new system, his delegation had shared some ideas about a possible approach to alternative remedies for personal service contractors at the 2009 session of the Ad Hoc Committee on the Administration of Justice at the United Nations. His delegation was interested in hearing the views of other delegations on alternative ways of including non-staff personnel in the formal system and looked forward to further discussions of the question of scope and other outstanding legal issues in the Working Group.

50. *Mr. Benmehidi (Algeria) resumed the Chair.*

51. **Ms. Medina-Carrasco** (Venezuela) said that justice would not be served in the Organization unless collective action was allowed and staff associations were permitted to act on behalf of staff in the new formal system. Article 2, paragraph 3, of the statute of the Dispute Tribunal, which provided that the Tribunal was competent to permit or deny leave to an application to file a friend-of-the-court brief by a staff association, was inadequate, since it restricted the right of staff to be represented by the staff association to which they belonged. The friend-of-the-court arrangement deprived such associations of legal standing by treating them as third parties extraneous to the case and incompetent to represent the staff member, thus prejudicing the right of staff members to self-defence. Staff associations should also have the right to represent groups of staff before the Dispute Tribunal in the case of administrative decisions that were alleged to be in non-compliance with the terms of appointment or the contract of employment. Lastly, with regard to the informal system, only the parties to a dispute should be competent to initiate or terminate the mediation process, without interference from the Tribunal.

The meeting rose at noon.

United Nations A/C.6/64/SR.2

General Assembly
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Sixth Committee

Summary record of the 2nd meeting
Held at Headquarters, New York, on Tuesday, 6 October 2009, at 3 p.m.

Chairman: Mr. Benmehidi ..... (Algeria)

Contents

Agenda item 106: Measures to eliminate international terrorism

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09-54373 (E)

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The meeting was called to order at 3.10 p.m.

Agenda item 106: Measures to eliminate international terrorism (A/64/37, A/64/161 and Add.1)

1. **Mr. Perera** (Sri Lanka), Chairman of the Ad Hoc Committee established by General Assembly resolution 52/210 of 17 December 1996, introducing the report of the Ad Hoc Committee (A/64/37), said that, at its thirteenth session, the Ad Hoc Committee had held two plenary meetings on 29 June and 2 July 2009, as well as a round of informal consultations and other informal contacts on the draft comprehensive convention on international terrorism. Informal consultations had likewise taken place on the question of convening a high-level conference under United Nations auspices to formulate a joint organized response by the international community to terrorism in all its forms and manifestations.

2. The atmosphere during those discussions had been very encouraging; delegations had demonstrated their determination to advance the negotiating process in order to finalize the draft convention without delay. Draft article 18 remained the key to unlocking the impasse, and discussion of the text presented by the Coordinator at the Ad Hoc Committee's eleventh session (A/62/37, annex, para. 14) had continued.

3. Negotiations on the outstanding issues concerning the draft convention were in their ninth year but, since 2007, the Sixth Committee had had before it a proposal which went a long way towards bridging the gap between viewpoints and contained elements for a viable and balanced package. The international community expected that the long negotiating process would be brought to a successful conclusion. It was essential to avoid failure in that important legislative task mandated by the General Assembly.

4. **The Chairman** said that completion of the draft convention would be a significant contribution to the legal framework for combating international terrorism. He urged delegations to pursue negotiations on the outstanding issues in good faith in order that the Committee might finalize its work on that important instrument.

5. **Mr. McLay** (New Zealand), speaking on behalf of the CANZ group of countries (Canada, Australia and New Zealand), said that terrorism remained a real and deadly threat to communities around the world and had directly affected citizens of the CANZ countries. The hotel bombings in Jakarta in July 2009 and the suicide bombing of the World Food Programme (WFP) office in Islamabad the previous day had served as a reminder of the global menace of terrorism. Recalling the Symposium on Supporting Victims of Terrorism held in 2008, he emphasized the importance of remembering those who had lost their lives or their loved ones to terrorism.

6. The CANZ countries supported the United Nations Global Counter-Terrorism Strategy and urged all States to continue their efforts to implement it. They also applauded the efforts of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and Associated Individuals and Entities (the 1267 Committee) to improve its procedures for the listing and de-listing of terrorist entities, in accordance with Security Council resolution 1822 (2008). The CANZ countries also supported the work of the Counter-Terrorism Implementation Task Force.

7. Meeting international counter-terrorism obligations could place significant burdens on small developing States, such as those of the Pacific Islands Forum, and he called on the Security Council and other United Nations bodies to be mindful of their special circumstances. He particularly welcomed the work of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC) in assisting with the drafting of national counter-terrorism legislation and in developing a comprehensive online database of related legal resources.

8. The CANZ countries valued the 16 universal counter-terrorism instruments and urged all States to implement them. They also supported the current work of the International Civil Aviation Organization (ICAO) to develop protocols that would update the Convention for the Suppression of Unlawful Seizure of Aircraft and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. It was vital to close the remaining gaps in the international legal framework for countering terrorism. The CANZ countries therefore urged renewed efforts to conclude the draft comprehensive convention on international terrorism.

9. While there had been some success in disrupting terrorist activities in the Asia-Pacific region, the Jakarta bombings and other incidents demonstrated the

need for vigilance and ongoing cooperation. The CANZ countries were committed to continuing their programmes of assistance in building counter-terrorism capacity, particularly for those States in the front line. Australia's efforts were focused in South-East Asia and encompassed a wide range of issues such as law enforcement, legal frameworks, terrorism financing and transport and border security. Australia also had a special unit dedicated to working with Asian, Pacific and African countries to develop legislation implementing international counter-terrorism instruments and related Security Council resolutions. New Zealand funded initiatives in South-East Asia and the Pacific that supported the development of law enforcement capability and the drafting of national legislation, including laws that paved the way for ratification of the universal counter-terrorism instruments.

10. **Mr. Le Luong Minh** (Viet Nam), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that international terrorism continued to pose serious threats to international peace and security and inflict suffering on innocent people. The attacks of July 2009 in Jakarta had caused numerous deaths and injuries and had drawn condemnation both from the United Nations Security Council and ASEAN foreign ministers. The ASEAN member States strongly condemned terrorism in all its forms and manifestations and reiterated their call for further efforts to implement the Global Counter-Terrorism Strategy. They continued to support the negotiations aimed at finalizing the draft comprehensive convention on international terrorism.

11. In the past year, the ASEAN States had endeavoured to strengthen the role of ASEAN in tackling global challenges in the South-East Asian region. The ASEAN Political-Security Community Blueprint, adopted at the Fourteenth ASEAN Summit in March 2009, set out specific action to be taken, such as working towards the entry into force of the ASEAN Convention on Counter-Terrorism and the ratification of the international counter-terrorism instruments, promoting implementation of the ASEAN Comprehensive Plan of Action on Counter-Terrorism and supporting development initiatives aimed at addressing the root causes of terrorism and the conditions conducive to terrorism.

12. At the forty-second ASEAN Ministerial Meeting in July 2009, ASEAN foreign ministers had renewed their commitment to combating terrorism and extremism in the region by empowering moderate sectors of society and promoting interfaith dialogue. All ASEAN members had expressed support for the Philippines' hosting of the special Non-Aligned Movement (NAM) Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace in December 2009.

13. At the sixteenth meeting of the ASEAN Regional Forum in July 2009, a Work Plan on Counter-Terrorism and Transnational Crime for 2009-2010 had been adopted. It identified illicit drugs, bioterrorism, biosecurity, cybersecurity and cyberterrorism as areas of priority and provided for capacity-building workshops, technical assistance and training courses.

14. The seventh Asia-Europe Meeting (ASEM) Conference on Counter-Terrorism had been held in Manila in June 2009 with the participation of representatives of ASEM partners and relevant international bodies. The Conference had recognized the leading role of the United Nations in the fight against terrorism and reaffirmed its support for the Global Counter-Terrorism Strategy and the further institutionalization of the Counter-Terrorism Implementation Task Force. While emphasizing the primary role of States in implementing the Strategy, the Conference had recognized that ASEM and other international, regional and subregional organizations and forums could contribute by disseminating best practices. The Conference had also welcomed the completion of the UNODC model law against terrorism.

15. The fourth ASEAN-Japan Counter-Terrorism Dialogue had been held in Viet Nam in August 2009. Participants had considered the status of 11 counter-terrorism projects, 3 of which were being implemented in ASEAN countries with funding from Japan and 8 of which were being considered for funding. They had also discussed the possibility of extending the Dialogue beyond 2011.

16. At the twenty-ninth ASEAN Chiefs of Police (ASEANAPOL) Conference in Viet Nam in May 2009, participants had agreed to step up cooperation in combating terrorism and related crimes through training, information-sharing, the promotion of community engagement in tackling terrorism and the provision of assistance in preventing the financing of terrorism and in dealing with the aftermath of terrorist attacks.

17. Viet Nam was currently serving on the Security Council and as a Vice-Chairman of the Security Council Committee established pursuant to resolution

1373 (2001) (the Counter-Terrorism Committee), whose work it consistently supported.

18. **Mr. Heller** (Mexico), speaking on behalf of the Rio Group, said that, since terrorism was a transnational phenomenon, it could be combated only through international cooperation, in which the United Nations must play the central role. In that context, the Rio Group firmly supported the Global Counter-Terrorism Strategy, which took a holistic approach to combating terrorism. The Counter-Terrorism Implementation Task Force should be institutionalized within the Secretariat so that Member States would have an opportunity to interact with it regularly in the context of the General Assembly and to provide it with political guidance. Regional and subregional organizations were also carrying out important work in implementing the Strategy; cooperation among them should be strengthened.

19. In order to prevent and suppress terrorism, it was essential to identify and eliminate factors which might prompt terrorist acts, including political, ethnic, racial and religious intolerance and social and economic disparities between nations. States must also work to prevent the financing and preparation of terrorist acts by improving legal cooperation and the exchange of information between police forces and financial intelligence units. Counter-terrorism measures must always comply strictly with international law, especially human rights law, international humanitarian law and international refugee law. Only measures that were consonant with the Charter of the United Nations and other relevant treaties would be successful and enjoy the support of the international community.

20. All Member States should do their utmost to build on the progress made at the thirteenth session of the Ad Hoc Committee to finalize the draft comprehensive convention on international terrorism. Delegations needed to show flexibility and accept that the final text might not accommodate all the wishes of every delegation. He commended the proposals made by the Coordinator in an attempt to bridge the gaps between delegations. He also expressed the hope that it would soon be possible to convene a high-level conference on terrorism.

21. **Mr. Charles** (Trinidad and Tobago), speaking on behalf of the Caribbean Community (CARICOM), said that the CARICOM States associated themselves with the statement to be delivered by the representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement. The Ad Hoc Committee had made laudable efforts to finalize the draft comprehensive convention on international terrorism but, regrettably, some issues were still unresolved. International terrorism posed a daunting threat to humanity, and the timely adoption of the draft convention was essential in order to combat it. A universally acceptable legal definition of terrorism was particularly important in order to prevent impunity for the perpetrators of terrorist acts. Since no consensus had been reached thus far on such a definition, it would be opportune to convene a high-level conference under the auspices of the United Nations with a view to progressing towards that goal.

22. The Caribbean had not been spared the dire consequences of terrorism. The CARICOM States therefore abhorred any attempt to harbour the perpetrators of terrorism and reiterated their previous calls for the prosecution of those criminals responsible for the hijacking and bombing of an airliner in the Caribbean Sea more than three decades previously, which had led to the deaths of several innocent persons. At the same time, international human rights law and international humanitarian law must be respected in the fight against terrorism.

23. No cause could justify terrorism, and the CARICOM States condemned it in all its forms and manifestations. However, as former colonies, they firmly believed that a distinction should be made between acts of terrorism and the legitimate struggle of peoples under foreign occupation or colonial or alien domination to exercise their right to self-determination, in accordance with the Charter of the United Nations and international law.

24. The CARICOM States fully supported the Global Counter-Terrorism Strategy and remained committed to the implementation of relevant Security Council resolutions, including resolutions 1373 (2001) and 1540 (2004). Nonetheless, the reporting obligations under those resolutions should be reviewed, since they sometimes placed an inordinate burden on small States. The support of the international community was essential if small developing nations such as the CARICOM members were to participate effectively in the global fight against terrorism. In that regard, he welcomed the workshops which had been held in the Caribbean region over the past year with the aim of developing the capacity of officials responsible for counter-terrorism measures at the national level.

25. Despite their limited resources, the CARICOM States continued to pursue regional initiatives to combat terrorism, such as the CARICOM Maritime and Air Space Security Cooperation Agreement. The CARICOM members also attached great importance to the major international counter-terrorism conventions. For example, Trinidad and Tobago had recently acceded to the International Convention for the Suppression of the Financing of Terrorism. In addition, a number of CARICOM States had enacted domestic legislation, or were in the process of doing so, in order to fulfil their obligations under those conventions.

26. The United Nations must continue to take the lead in tackling the threat of terrorism. Failure to take a multilateral approach would only engender mistrust.

27. **Mr. Jomaa** (Tunisia), speaking on behalf of the African Group, said that the Group unequivocally condemned terrorism, which could never be justified on any grounds. It should also not be associated with any particular religion, race, faith or culture. The United Nations remained the most appropriate forum in which to coordinate the global response to terrorism, which would remain ineffective unless steps were taken to address its root causes, such as poverty, injustice and the denial of the right to self-determination of people under foreign occupation. Human rights and the rule of law must also be respected in the fight against terrorism. In that regard, the African Group called on the Security Council sanctions committees, in particular the 1267 Committee, to streamline their listing and de-listing procedures in order to ensure due process and transparency.

28. African States were making huge efforts to meet their obligations under the relevant international conventions and Security Council resolutions. A number of them had set up appropriate legal frameworks for combating terrorism but were still facing difficulties in meeting their legislative and operational commitments at the national level. He therefore urged international partners to fulfil their pledges of technical assistance and to support the African Centre for Study and Research on Terrorism. He welcomed the regional workshops and seminars organized by the Centre in cooperation with CTED with the aim of identifying common technical assistance needs across the continent. The most recent event, held in Algiers in June 2009, had focused on enhancing the law-enforcement and counter-terrorism capacities of West African countries.

29. Africa and its people had long experience of terrorist atrocities, which as early as 1999 had led to the adoption of the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism, supplemented in 2002 by the Algiers Plan of Action on the Prevention and Combating of Terrorism in Africa. However, such regional instruments, as well as the universal sectoral instruments, needed to be complemented by a comprehensive international convention. Every effort should therefore be made to resolve the outstanding issues relating to the draft convention. It should cover all forms of terrorism, including State terrorism, and should also incorporate an internationally recognized definition of terrorism that distinguished clearly between terrorist acts and the struggle for self-determination of people under foreign occupation. African leaders had endorsed the proposal to convene a high-level conference under the auspices of the United Nations to formulate an international response to terrorism, which should not be linked to the conclusion of negotiations on the draft convention. He reiterated the African Group's support for the Global Counter-Terrorism Strategy and said that efforts should be made to ensure comprehensive and balanced implementation of its four pillars. Lastly, he welcomed the work of the Counter-Terrorism Implementation Task Force and the recent steps taken to provide it with the necessary budgetary and administrative support.

30. **Mr. Adi** (Syrian Arab Republic), speaking on behalf of the Organization of the Islamic Conference (OIC), said that the OIC members strongly condemned all acts of terrorism, irrespective of their motivation, objectives, forms and manifestations, and were convinced that it could never be justified. In that connection, he drew attention to the Final Communiqué of the OIC Summit held in Dakar in March 2008; to Resolution No. 15/36-POL on combating international terrorism, adopted at the thirty-sixth session of the OIC Council of Foreign Ministers, held in Damascus in May 2009; and to the Joint Communiqué of the Annual Coordination Meeting of Foreign Ministers of the OIC Member States, held in New York in September 2009. Terrorism should not be associated with any religion, race, faith, theology, values, culture, society or group; in an increasingly globalized world, there was a growing need to build bridges among cultures and peoples.

31. Only through a coordinated approach would the international community be able to combat terrorism

effectively. It was necessary to address its root causes, including the unlawful use of force, international disputes, denial of the right of peoples living under foreign domination to self-determination, political and economic injustices, and political marginalization and alienation. The Global Counter-Terrorism Strategy should be implemented in all its aspects and reviewed regularly.

32. The OIC members reaffirmed their determination to make every effort to finalize the draft comprehensive convention on international terrorism by attempting, inter alia, to resolve the outstanding issues relating to the legal definition of terrorism, particularly the distinction between terrorism and the struggle for self-determination of peoples under foreign occupation, which was enshrined in international law, and the scope of the acts covered by the draft convention. He reiterated the previous OIC proposal on the question of scope and expressed the willingness of the OIC members to continue consideration of the Coordinator's package proposal.

33. The OIC members reiterated their call for the holding of a high-level conference under the auspices of the United Nations to formulate a joint response by the international community to terrorism in all its forms and manifestations and to conclude an agreed definition of terrorism. They also reiterated their support for the establishment of an international counter-terrorism centre under United Nations auspices, as well as for efforts to develop an international counter-terrorism code of conduct.

34. **Mr. Al Habib** (Islamic Republic of Iran), speaking on behalf of the Non-Aligned Movement, said that the Movement unequivocally condemned terrorism as a crime and rejected all its forms and manifestations, including acts in which States were directly or indirectly implicated. In that context, the members of the Movement reaffirmed their support for General Assembly resolution 46/51 of 27 January 1992 and other pertinent resolutions of the United Nations.

35. Terrorism was a blatant violation of international law, international humanitarian law and human rights, including the right to life. Terrorist acts endangered States' territorial integrity and stability, as well as national, regional and international security, and had an adverse impact on economic and social development. Terrorism should not be confused with the legitimate struggle of peoples to achieve self-determination and national liberation. Moreover, the brutalization of peoples under foreign occupation must be denounced as the worst form of terrorism. Terrorism should not be associated with any religion, nationality, civilization or ethnic group, and those attributes should not be used to justify measures such as profiling and breaches of privacy.

36. All States should honour their obligation under international law and international humanitarian law to combat terrorism by prosecuting or extraditing the perpetrators and by preventing them from organizing, instigating or financing terrorist acts against other States from within or outside their territory. In addition, States themselves should refrain from organizing, instigating, abetting, financing or participating in such acts in the territory of other States and from supplying weapons or arms which could be used for that purpose. They should also refuse to provide political, diplomatic, moral or material support for terrorism and ensure that the perpetrators, organizers or facilitators of terrorist acts did not abuse refugee or any other legal status. All States which had not yet done so should consider becoming parties to the international instruments on combating terrorism.

37. The Movement rejected the threat or use of force by any State against any non-aligned country on the pretext of combating terrorism or to pursue political objectives, including by characterizing a State directly or indirectly as a sponsor of terrorism. It also called on the Security Council sanctions committees to streamline their listing and de-listing procedures in order to ensure due process and transparency. It would welcome the convening of a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism and to identify its root causes. The draft comprehensive convention on international terrorism should be finalized, and he called on all States to cooperate in resolving the outstanding issues.

38. The Movement reaffirmed its support for the Global Counter-Terrorism Strategy and for the proposal to establish an international counter-terrorism centre. It also supported the initiative to draft an international counter-terrorism code of conduct pending the conclusion of the draft comprehensive convention.

39. **Mr. Lundkvist** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and

Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia, Georgia, the Republic of Moldova and Ukraine, said that terrorism was criminal and unjustifiable in all its forms and in all circumstances and could not claim to represent any culture or religion. Combating terrorism must remain a priority for the United Nations, the only world body qualified to lead and coordinate that struggle. The European Union also supported the counter-terrorism action taken by the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and the North Atlantic Treaty Organization (NATO). It called on all Member States to become parties to all the United Nations counter-terrorism conventions and protocols and commended the Terrorism Prevention Branch of UNODC for the technical assistance which it provided to States to support their implementation of those instruments.

40. The European Union fully supported the Security Council Committees established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004), which formed the core of the Organization's response to terrorism, and called on Member States to implement fully those and other relevant resolutions. He was pleased to note that the Security Council had strengthened human rights and due process considerations in the United Nations sanctions regimes and welcomed the adoption of Security Council resolution 1822 (2008), which had been an important step in improving procedures for the imposition of sanctions and the listing and de-listing of individuals and entities. Efforts in that regard should be continued. The resolution to be adopted by the Security Council by the end of the year was opportune in that respect.

41. Too often, the experiences of the victims of terrorism were ignored, as terrorists themselves dominated media coverage. Victims' voices must be heard, not only because it was morally right to hear about the dreadful consequences of terrorism, but also because victims' stories often exposed the hollow claims of terrorists. All Member States should adopt appropriate measures to help victims cope with the aftermath of terrorist attacks.

42. The European Union welcomed the reaffirmation of the Global Counter-Terrorism Strategy during the review held in September 2008 and renewed its call for the implementation of the Strategy on the basis of a global and integrated approach that showed respect for the rule of law and involved all stakeholders. Moreover, measures to combat terrorism must comply with international law, including human rights law, refugee law and humanitarian law. The European Union also encouraged deeper integration of human rights concerns into the work of the Counter-Terrorism Committee and its Executive Directorate, especially with regard to preliminary implementation assessments.

43. The European Union welcomed the important work of the Counter-Terrorism Implementation Task Force, which must be provided with the budgetary and administrative resources necessary for its work on implementation of the Strategy. All the entities that made up the Task Force, including those concerned with development issues, should engage fully in its activities, both in New York and in the field.

44. The draft convention on international terrorism should become a vital instrument in joint counter-terrorism efforts. The discussions held at the July session of the Ad Hoc Committee, particularly on the package proposal put forward by the Coordinator in 2007, had been promising. The question of convening an international conference on combating terrorism should be considered only after agreement on the draft convention had been reached. Because terrorism fed on prejudice and ignorance, the European Union would continue its efforts to strengthen dialogue and understanding between cultures, which must involve all actors: States, regional organizations and civil society.

45. **Mr. Askarov** (Uzbekistan) said that his country condemned terrorism in all its forms and manifestations, regardless of where it was committed, by whom, and for what purpose. His region, in common with the entire international community, was plagued by the criminal endeavours of international terrorist groups operating on a global scale and using new technology. The threat of terrorism could be successfully countered only through international cooperation and by using collective mechanisms that strictly conformed to international law and avoided double standards. The causes of terrorism must be tackled along with its consequences. There were many radical and extremist centres which cultivated an ideology of hatred, poisoning young minds and forming a breeding-ground for future terrorists.

46. It was no secret that international terrorist groups were seeking to gain access to weapons of mass destruction. A key instrument for preventing the spread

of nuclear weaponry was the Treaty on the Non-Proliferation of Nuclear Weapons. On 21 March 2009, the Treaty on a Nuclear-Weapon-Free Zone in Central Asia had entered into force, making a major contribution to regional and global security.

47. The activities of terrorists were financed chiefly by drug trafficking. Of grave concern was the growth in illicit narcotics production in Afghanistan, the proceeds of which helped to fund the purchase of weapons and ammunition. It was becoming increasingly clear that the problem of Afghanistan could not be resolved by armed force alone. Efforts must be pursued, under United Nations auspices, to solve the country's acute social and economic problems, and to provide employment and sound governance while respecting the traditional religious and cultural values of the multi-ethnic population.

48. The United Nations must coordinate international efforts to combat terrorism. He expressed strong support for the Global Counter-Terrorism Strategy, and for closer partnership between the United Nations and the Shanghai Cooperation Organization (SCO). The chief focus of the work of SCO was on combating international terrorism, illicit drug trafficking and organized crime. Regular contact should be established between the Regional Anti-Terrorist Structure of SCO in Tashkent and the relevant United Nations bodies, such as the Counter-Terrorism Committee. By that means, information could be exchanged about new trends in international terrorism, the methods of terrorist organizations and the measures taken internationally to combat terrorism.

49. **Mr. Hernández-Milian** (Costa Rica) said that his country condemned terrorism unequivocally, in all its forms, and undertook to combat it by all lawful means available. Costa Rica had ratified most of the international conventions against terrorism and had introduced national legislation to permit the freezing of assets suspected of playing a role in financing terrorist activities.

50. The United Nations must assume a leadership role in the fight against terrorism, through a single centralized policy for the prevention and punishment of terrorist crimes. His Government supported the Global Counter-Terrorism Strategy. He looked forward to the results of the work of the Counter-Terrorism Implementation Task Force and its working groups, and the outcome of efforts to improve communication and coordination among the various United Nations bodies dealing with terrorism. Costa Rica was co-sponsoring the international workshop of national counter-terrorism focal points shortly to be held in Vienna, which would focus on improving linkages between national and global counter-terrorism efforts, in accordance with Security Council resolutions 1267 (1999), 1373 (2001) and 1540 (2004). Costa Rica had also contributed to international cooperation through its chairmanship of the Security Council Committee established pursuant to resolution 1540 (2004) over the past two years. Measures adopted to combat terrorism must conform to the Charter of the United Nations and international law, including international human rights law, international refugee law and international humanitarian law.

51. He welcomed the Committee's success in bringing to fruition the International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of Acts of Nuclear Terrorism and the International Convention for the Suppression of the Financing of Terrorism. He urged the speedy conclusion of the draft comprehensive convention on international terrorism.

52. **Mr. Sial** (Pakistan) condemned the suicide bomb attack launched the previous day on the WFP office in Islamabad, in which five WFP staff members had been killed. Pakistan unequivocally rejected terrorism in all its forms and manifestations, and the senseless killing of civilians anywhere in the world for whatever reason.

53. There was no simple solution to the indoctrination of suicide bombers, the distortion of ideology and economic marginalization. The international community must not deny the real causes of terrorism, nor should it confine itself to operational or political measures alone in order to combat it. Long-term global peace and security must not be sacrificed to short-term national interests.

54. His Government fully supported the Global Counter-Terrorism Strategy, which offered a comprehensive approach to fighting terrorism. That comprehensive approach was being followed in Pakistan, which had launched a public awareness campaign about the atrocities committed by terrorists and was working to care for and rehabilitate victims of terrorism. His Government had challenged terrorists hiding in the most remote and inaccessible mountains of the world. It had conducted a successful operation in

the region of Malakand to drive terrorists from their hideouts and bring them to justice. Its law enforcement activities in fighting terrorism were grounded in respect for human rights and international norms. The operation in Malakand, including Swat, had resulted in the internal displacement of over 2 million people, and his Government was grateful to the United Nations agencies which had rehabilitated them.

55. Pakistan had deployed over 150,000 troops on its western border in order to stop cross-border movement by the Taliban and Al-Qaida. In the broader international quest for peace and security, Pakistan's naval forces were taking an active part in anti-piracy operations in the Gulf of Aden. Pakistan was also encouraging its friends to find solutions for regional and international conflicts which had long remained unresolved.

56. It would be a daunting task to implement all four pillars of the Global Counter-Terrorism Strategy in a balanced manner. For that purpose, Member States must provide the Counter-Terrorism Implementation Task Force with regular budgetary resources.

57. Pakistan was a party to 11 universal and 2 regional counter-terrorism instruments. It had also enacted eight national instruments to combat terrorism: the Pakistan Arms Ordinance, the Surrender of Illicit Arms Act, the Terrorist Affected Areas (Special Courts) Act, the Anti-Terrorism Act, the Control of Narcotic Substances Act, the Anti-Narcotics Force Act, the Pakistan Madrassah Education Board Ordinance and the Anti-Money-Laundering Ordinance.

58. While supporting the early adoption of a consensus text of the draft comprehensive convention on international terrorism, his delegation had a number of outstanding questions. Why was the draft called "comprehensive", given that it did not aim to provide an overarching, comprehensive definition of terrorism? When would such a definition be attempted? Why were the issues in the draft relating to international humanitarian law not being addressed in the language of international humanitarian law? Why were some Member States reluctant to repeat relevant provisions of the Charter of the United Nations in the operative parts of the draft? Lastly, why was the question of the role of military forces in peacetime simply being ignored?

59. His delegation supported the proposal of King Abdullah Bin Abdulaziz Al-Saud of Saudi Arabia to establish an international centre to combat terrorism, under the auspices of the United Nations; the proposal by the delegation of Egypt for a high-level conference on counter-terrorism; and the proposal by the delegation of Tunisia to develop an international counter-terrorism code of conduct within the United Nations framework of counter-terrorism measures.

60. **Ms. Salasini** (Zambia) said that her Government was committed to the global fight against terrorism and related activities. It would do its best in future to report on its implementation of paragraph 10 (a) of the Declaration on Measures to Eliminate International Terrorism annexed to General Assembly resolution 49/60 and was in the process of ratifying the various United Nations instruments on combating terrorism. At the regional level, Zambia was a member of the Eastern and Southern African Anti-Money-Laundering Group (ESAAMLG), formed in 1999. The Group worked in conjunction with other international organizations to combat money-laundering by studying emerging patterns of money-laundering in the region, developing institutional and human resource capacities to tackle it, and coordinating technical assistance where necessary. Following the events of 11 September 2001, ESAAMLG had expanded the scope of its activities to include countering the financing of terrorism.

61. In 2007 Zambia had enacted an Anti-Terrorism Act, through which it cooperated with other countries to combat terrorism. It had also established an Anti-Corruption Commission and a Drug Enforcement Commission, and was in the process of establishing a financial intelligence unit to monitor all suspicious financial transactions that might be intended to support terrorist activities either within Zambia or elsewhere.

62. Developing countries needed assistance with regard to training in biometrics, security standards and dealing with the threat of nuclear, biological and chemical terrorism, as well as modern equipment to detect and counter terrorist activities. She urged the international community to provide that assistance.

63. She was concerned at the continued failure of Member States to reach consensus on a comprehensive convention on international terrorism. The few remaining differences on the draft must be overcome, so that agreement could be reached on a legal definition of terrorism which would recognize the legitimate struggle waged by peoples for their

liberation or self-determination in accordance with the principles of international law.

64. **Mr. Sea** (Cambodia) said that his country strongly condemned terrorism in all its forms and manifestations, and was strongly committed to countering, preventing and suppressing terrorist acts in accordance with the Charter of the United Nations, international law and all relevant resolutions of the United Nations. The international community must tackle terrorism through cooperation and coordination. The Global Counter-Terrorism Strategy was a vital tool for that purpose. Constructive dialogue, mutual understanding and communication between societies and nations were also of great importance in preventing and containing the spread of terrorism.

65. According to the CTED delegation which had visited Cambodia in May 2008, Cambodia's counter-terrorism laws were among the most comprehensive in the region. The recently adopted Law on Counter-Terrorism and Law on the Prevention of Money-Laundering and Financing of Terrorism established all relevant offences and introduced appropriate mechanisms in accordance with Security Council resolutions 1267 (1999), 1373 (2001) and 1540 (2004) and other international instruments. The Government had also set up a multi-agency National Counter-Terrorism Committee with a permanent secretariat of its own.

66. His Government was strongly committed to working with all security partners to strengthen counter-terrorism capacities and to enhance cooperation and information-sharing. It had entered into cooperative agreements for that purpose with a number of countries, in addition to its membership of ASEAN and ASEANAPOL. In August 2009, the Government had organized a regional workshop in Phnom Penh with all the ASEAN countries to discuss the security challenges associated with terrorism in South-East Asia.

67. **Mr. Barriga** (Liechtenstein) said that his Government strongly condemned all acts of terrorism, irrespective of their motivation. It was committed to contributing to the fullest extent to the international fight against terrorism, including through cooperation with the relevant United Nations bodies. Liechtenstein had ratified all 13 universal counter-terrorism instruments, with their protocols and amendments, and was continuing its dialogue with the Counter-Terrorism Committee.

68. The Sixth Committee should focus on concluding the negotiations on the draft comprehensive convention against terrorism, spending as little time as possible on the ritualistic negotiation of its annual resolution. He commended the efforts of the Coordinator of the draft convention, whose proposal mainly clarified issues relating to the application of international humanitarian law. Her approach was legally sound, politically realistic and the only possible avenue for a compromise. Although the existing counter-terrorism conventions did not use the same language to describe their relationship to international humanitarian law, they clearly excluded acts which would be covered by it, such as acts against military ships or aircraft. The International Convention against the Taking of Hostages explicitly excluded situations of armed conflict, and the International Convention for the Suppression of the Financing of Terrorism, by referring to acts against civilians and non-combatants, recognized that certain acts against combatants were not prohibited under international law. The International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of Acts of Nuclear Terrorism dealt with the issue in the same manner as that proposed by the Coordinator in her version of draft article 18. However, a clarification such as that contained in the compromise proposal would be useful, since it would help to ensure that the future comprehensive convention preserved the integrity of international humanitarian law and was consistent with the existing sectoral conventions.

69. **Mr. Shcherbak** (Russian Federation) said that intensified collective effort was needed to counter the continuing threat of terrorism. The authority of the United Nations and its central coordinating role must be supported, and all Member States must adhere strictly to the principles and norms of international law. His Government was determined to oppose the terrorist threat, which called for more systematic joint action by States, international organizations and civil society. The Global Counter-Terrorism Strategy offered enormous potential in that regard. He also acknowledged the efforts made by the Counter-Terrorism Implementation Task Force to coordinate the work of the various United Nations system agencies concerned and to strengthen cooperation with Member States to help them fulfil their obligations in implementing the Strategy. The potential of the Strategy could be realized in future through effective

national measures by States, fruitful collaboration among themselves and with the relevant international organizations, and greater involvement of civil society in the task of countering terrorism.

70. The initiative proposed some years previously by the Russian Federation to strengthen the partnership between States and business in countering terrorism had developed to embrace the United Nations, the Group of Eight (G-8), the Council of Europe, OSCE and SCO. In April 2009 an international round table had taken place in Moscow on the theme "State and Business Against Terrorism", bringing together representatives of States agencies, private companies and non-governmental organizations within the SCO region.

71. The Security Council and its Counter-Terrorism Committee, together with the committees established pursuant to resolutions 1267 (1999) and 1540 (2004) of the Security Council, were making a significant contribution to the implementation of the Global Counter-Terrorism Strategy. His delegation would continue to rely on the expert work done by CTED, the Monitoring Team of the 1267 Committee and the expert group of the Committee established pursuant to resolution 1540 (2004), and would continue to support their participation in the Counter-Terrorism Implementation Task Force. One of the most important aspects of the Strategy was the regional and subregional work done by international organizations, including the Commonwealth of Independent States, the Collective Security Treaty Organization and SCO, the last of which had adopted a Convention against Terrorism in June 2009.

72. The international legal framework for combating terrorism would undoubtedly be strengthened by the adoption of the draft comprehensive convention, especially if it was adopted by consensus. His delegation would work with all States and groups to find compromise solutions to the remaining unresolved issues.

73. **Ms. Orina** (Kenya) said that there could be no justification whatever for terrorism. Kenya's people had experienced its devastating effects for themselves, and her Government was firmly committed to fighting it. The draft comprehensive convention should be finalized without delay. The Global Counter-Terrorism Strategy and the Counter-Terrorism Implementation Task Force had a key role to play in coordinating anti-terrorism efforts. The Task Force provided invaluable technical assistance to States. It should be placed on an institutional footing and given adequate resources. Open and transparent negotiations should be pursued to resolve outstanding issues relating to the Strategy itself. She acknowledged the positive contribution of UNODC and CTED and welcomed the workshops and training courses conducted in various parts of the world. She urged the United Nations and the international community to assist the Government of Somalia in consolidating its power base and its institutions, so as to contain the threat of terrorist activities within its borders.

74. Kenya had ratified 13 international and 2 African Union instruments against terrorism, and had taken steps to comply with the relevant resolutions, including Security Council resolution 1373 (2001). The measures taken at the national level included the tightening of airport and border security; coordination of security issues with neighbouring States through frontier security committees; training and capacity-building in the security agencies; the introduction of central bank mechanisms to control suspect flows of finance; work on new legislation on the activities of refugees and non-governmental organizations and on mutual legal assistance; public awareness campaigns on terrorism; and information-sharing with regional and global partners such as the East African Community and ESAAMLG.

75. **Mr. Omaish** (Jordan) said that his country condemned all terrorist acts in all their forms and rejected any attempt to connect any particular religion or group with terrorism. To eradicate terrorism, security measures were not enough in themselves; the underlying political, economic and social factors must be addressed, and every precaution taken to guarantee respect for human rights and the rule of law. His Government supported the Global Counter-Terrorism Strategy. As for the draft comprehensive convention, the Coordinator's proposed paragraph 5 in article 18, and her statements on the linkage between international humanitarian law and the rules in the draft convention, merited serious consideration. At home, his Government had introduced an anti-terrorism law and a stricter border security system, and had instructed all its banks to comply with the relevant Security Council resolutions. It welcomed the initiative by Saudi Arabia to establish an international centre to counter terrorism, and supported the proposal to convene a high-level

conference on counter-terrorism under the auspices of the United Nations.

76. **Ms. Bichet-Anthamatten** (Switzerland) reiterated her country's vigorous condemnation of terrorism in all its forms. Switzerland was co-sponsoring the international workshop of national counter-terrorism focal points which was about to take place in Vienna. The workshop would be an opportunity for the focal points to exchange information and good practice with representatives of the United Nations, international and regional organizations and civil society.

77. The lack of progress in finalizing the draft comprehensive convention on international terrorism was regrettable. She urged Member States to play a constructive part in the negotiations on the draft text. She reiterated her delegation's support for the Coordinator's proposed version of article 18, in so far as it preserved the integrity of international humanitarian law, and on condition that it was considered in its entirety. Respect for the rule of law and human rights enhanced the legitimacy of anti-terrorist measures.

78. **Ms. Negm** (Egypt) reiterated her country's condemnation of terrorism in all its forms and manifestations. Terrorism should not be associated with any particular religion or culture. The root causes of terrorism and the conditions conducive to its spread must be addressed by eliminating conflict, ending foreign occupation, recognizing the right of peoples to self-determination, curbing State terrorism and avoiding double standards.

79. The Global Counter-Terrorism Strategy had strengthened international cooperation in combating terrorism. She expressed appreciation of the efforts of the United Nations and its specialized agencies, and stressed the need to analyse potential weaknesses in securing maritime and aviation traffic and public facilities. The draft comprehensive convention on international terrorism, once finalized, would complete the international legal framework for combating terrorism. The negotiations on article 18 of the draft convention needed to be intensified. In particular, draft paragraph 2 should be reviewed in order to draw a distinction between terrorist acts and acts carried out by national liberation movements in the exercise of their right to self-determination.

80. She supported the convening of an international conference against terrorism under the auspices of the United Nations, with a view to producing a definition of terrorism that would differentiate between the legal rules on countering terrorism and international humanitarian law.

81. **Mr.** Majeev Singh **Puri** (India) said that terrorism remained a major threat to the international community and to humanity. India continued to be a victim of terrorism, not least through the terrorist attacks in Mumbai in November 2008. India had become a party to all 13 sectoral instruments against terrorism. It had entered into several bilateral treaties on combating terrorism, organized crime, money-laundering, terrorist financing and illicit drug trafficking, as well as many treaties on extradition and mutual legal assistance in criminal matters. It had also updated its Unlawful Activities Prevention Act of 1967, incorporating a mechanism to enforce the measures against designated individuals and entities laid down by the 1267 Committee. No more time should be lost in finalizing and adopting the draft comprehensive convention on international terrorism.

82. **Ms. Sahussarungsi** (Thailand) said that her country unequivocally condemned terrorism in all its forms. She welcomed the outcome, in September 2008, of the first biennial review of the implementation of the Global Counter-Terrorism Strategy. Concerning the draft comprehensive convention on international terrorism, the text should include a clear definition of terrorism, and especially of the conditions conducive to terrorism. That would accommodate the need to recognize the legitimate struggle of peoples against foreign occupation. The right of self-determination should be understood and interpreted in accordance with the Vienna Declaration and Programme of Action adopted in June 1993. As for article 18 of the draft, she endorsed the text proposed by the Coordinator, which offered a good balance between the scope of the draft convention and the existing scope of application of international humanitarian law. Draft article 18 should be considered as a whole and should be read in conjunction with draft article 2. The convention would result in criminal responsibility for individuals on the basis of an "extradite or prosecute" regime, and it would be useful for States to be given legislative guidance by the United Nations when incorporating its provisions into domestic law. The concept of State terrorism was extraneous to the convention and should not be included in it.

83. In terms of regional cooperation, Thailand had ratified the ASEAN Convention on Counter-Terrorism, which harmonized anti-terrorist legislation among the member States of ASEAN and imposed obligations to promote a culture of peace, to ensure the rehabilitation and social reintegration of persons involved in the commission of terrorist acts, and to tackle the root causes of terrorism. Implementation of the Convention would be facilitated by the ASEAN Comprehensive Plan of Action on Counter-Terrorism. The ASEAN Treaty on Mutual Legal Assistance in Criminal Matters, and the possible conclusion of an ASEAN extradition treaty, would provide ASEAN with a consolidated legal framework for cooperation in the fight against terrorism and transnational crime.

The meeting rose at 6 p.m.

United Nations A/C.6/64/SR.3

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Held at Headquarters, New York, on Wednesday, 7 October 2009, at 10 a.m.

Chairperson: Mr. Benmehidi ..... (Algeria)
later: Mr. Stastoli (Vice-Chairperson) ..... (Albania)

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The meeting was called to order at 10.15 a.m.

Agenda item 106: Measures to eliminate international terrorism (*continued*) (A/64/37 and A/64/161 and Add.1)

1. **Mr. Al-Jarman** (United Arab Emirates) said that the increase in terrorism over the previous two decades had led the international community to strengthen its cooperation in order to deal with the phenomenon, through legislation and conventions and through joint efforts to combat it on the ground. Those efforts had been focused on prosecution of the organizers and perpetrators of terrorist acts and on their sources of financing. Yet no progress worth mentioning had been made in examining the multidimensional root causes behind terrorist activities or possible ways of addressing them, though such criminal activities were usually the result of injustice, exclusion, poverty and other causes that gave rise to feelings of hatred and a desire for revenge.

2. While the efforts of the Secretary-General to impart an institutional character to the group charged with coordinating anti-terrorist efforts were welcome, the major responsibility for dealing with the phenomenon lay with States. And while his Government reiterated its commitment to the United Nations Global Counter-Terrorism Strategy and its annexed Plan of Action, which was aimed not merely at combating terrorism but also at addressing the conditions conducive to its spread, it also called for an objective, transparent review of the results of that strategy, which should be updated periodically in keeping with global developments. The scope of related partnerships between States, the United Nations, regional and local organizations and civil society as a whole should be expanded.

3. His delegation called for full and non-selective implementation of the Strategy through mechanisms and programmes characterized by transparency, objectivity and respect for the rule of law and human rights; the strengthening, without discrimination, of technical-assistance and advanced-training programmes, especially for developing countries, to enable their Governments to develop their national counter-terrorism capacities; support for victims of terrorism, an area in which his Government welcomed the international symposium organized by the Secretary-General in 2008; and recognition that terrorist acts should not be associated with any particular religion, nationality, culture or ethnic group and that all practices involving the disparagement of religions and all incitement to do so should be criminalized, since they spread hatred and terrorism.

4. An international conference should be organized under United Nations auspices to arrive at a clear definition of terrorism and to strengthen the legislative and legal system currently invoked for dealing with it so as to guarantee that its application was not selective. Efforts should be made to distinguish between terrorism and the struggle of peoples under foreign colonization or occupation to achieve their independence and exercise their right of self-determination in accordance with the Charter, internationally binding resolutions and the relevant human rights instruments. The United Nations, its official bodies and all parties concerned should assume their full responsibility for resolving existing instances of occupation, conflict and economic and social injustice, for they were demonstrably conducive to terrorism.

5. The United Arab Emirates had consistently condemned all forms of terrorism as well as extremism and hatred, which were contrary to its values and those of all the revealed religions, including Islam. In consequence, the United Arab Emirates had made all the necessary amendments to its legislation to join in the fight against terrorism and cooperated in every way with the United Nations, including the Security Council and its committees, and with the related international and regional mechanisms. It had exchanged information and experience with countries and relevant international and regional organizations, acceded to 14 international conventions on counter-terrorism and the Gulf Cooperation Council convention on counter-terrorism and ratified the Arab Convention for the Suppression of Terrorism.

6. The United Arab Emirates, in renewing its pledge of support for the United Nations Global Counter-Terrorism Strategy, wished to stress that multipartite cooperation under the aegis of the United Nations, in a framework of full respect for international law, the Charter and the relevant international conventions, was the most effective way to combat terrorism and the conditions conducive to its spread.

7. **Mr. Kleib** (Indonesia) said that, despite the havoc wreaked by terrorism in his country, the people of Indonesia would never allow themselves to be

intimidated and would use the full arsenal of domestic law to disrupt terrorist networks. The goal was to maintain a balance between prevention and criminalization while ensuring respect for democratic values and human rights. Many terrorists and terrorist sympathizers had been convinced that there were peaceful ways of redressing their grievances and meeting their needs and that the Government cared about them as human beings.

8. As with any global threat, immediate and long-term solutions to the problem of terrorism could be found only through regional and international cooperation. Indonesia had concluded various counter-terrorism agreements, particularly with its immediate neighbours, and had spearheaded regional cooperation initiatives in the areas of law enforcement, border control and legislation. The Jakarta Centre for Law Enforcement Cooperation, set up jointly by Indonesia and Australia, provided training for law enforcement officers of the Asia-Pacific region; he understood that similar structures modelled on it were envisioned for other parts of Asia.

9. As terrorism continued to adapt and evolve, it was important to address its root causes, including prolonged unresolved conflicts. Conflict prevention and the peaceful settlement of disputes were essential. In order to avoid eroding the necessary political legitimacy, global efforts to combat terrorism must respect the integrity of the Charter, human rights and international law. It was imperative to reject the association of terrorism with particular nations, regions or religions and to sustain dialogue among civilizations in order to build bridges between diverse cultures, facilitate understanding and put the merchants of hate out of business. The United Nations Global Counter-Terrorism Strategy's relevance and sustainability as a living document should be ensured, and delegations should make every effort to conclude work on the draft comprehensive convention on international terrorism.

10. Despite years of discussion, the Committee's work seemed to be limited to debating the kind of international cooperation that was required and the possibility of organizing a high-level meeting to formulate a joint organized response to terrorism. What was critically needed were more tangible results on the ground.

11. **Mr. Davide** (Philippines) said that his Government viewed terrorist acts as a direct threat to the nation's well-being. It had strengthened its legislation by adopting the 2007 Human Security Act as part of a comprehensive approach to terrorism and its root causes; the Act stressed the importance of prevention, mandated the proscription of terrorist organizations, associations and groups and established penalties commensurate with the gravity of the offence. It also established a permanent counter-terrorism mechanism at the national level and provided a legal framework for arrangements with other countries.

12. Another focus of the Government's strategy was the conclusion of international cooperation arrangements in order to secure the nation's borders and ensure the safety of Philippine workers overseas, enhance its law enforcement capabilities and aid in the capture of known terrorists. The Philippines was a party to 12 of the international counter-terrorism instruments and was building a network of bilateral and regional cooperation agreements, including the Association of Southeast Asian Nations (ASEAN) Convention on Counter Terrorism. Article VIII of the Convention stipulated that any person taken into custody must be guaranteed fair treatment, including the enjoyment of all rights and guarantees in conformity with the laws of the State party in the territory of which that person was present and with the applicable provisions of international law, including international human rights law. The Government's strategy also provided for active vigilance and timely, effective response mechanisms; a recently launched counter-terrorism hotline used text messages sent via cellular telephones.

13. The Government believed that terrorism took root in conditions of poverty, injustice and loss of human dignity and was working to reduce political and social disenfranchisement rooted in intolerance and misunderstanding by fostering interfaith and intercultural dialogue and to combat poverty by focusing on economic growth in order to create new jobs and enhance the delivery of vital social services. From 1 to 3 December 2009, the Philippines would host the first Non-Aligned Movement Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace and Development.

14. Although Member States bore the primary responsibility for combating terrorism and bringing terrorists to justice, his delegation emphasized the value of international cooperation and capacity-building and the crucial role of the United Nations in

that regard. Terrorism reduced people to mere pawns in a ruthless game of competing beliefs and ideologies; conflicts should therefore be addressed before they could be exploited by terrorists. Counter-terrorism activities should be conducted in accordance with the purposes and principles of the Charter of the United Nations and with international law. Deep and historic divisions could be healed through dialogue between peoples of different civilizations; his Government believed that its own people's divisions, whether of belief or of culture, should never be the basis for misunderstanding or conflict. His delegation called for strengthened efforts to implement the Global Counter-Terrorism Strategy and urged delegations to seek common ground in finalizing the draft comprehensive convention.

15. **Ms. Rodríguez-Pineda** (Guatemala) said that her country's counter-terrorism measures focused primarily on incorporating the terrorist offences defined in international instruments into domestic law. Guatemala was a party to the Inter-American Convention against Terrorism and to 12 of the international counter-terrorism instruments, having ratified the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf in July 2009.

16. Her delegation wished to express its appreciation to the United Nations Office on Drugs and Crime (UNODC) and the Organization of American States (OAS) Inter-American Committee against Terrorism (CICTE) for the legislative drafting assistance missions that they had sent, at her Government's request, so that it could meet its obligations under the multilateral and regional instruments to which it was a party and the relevant Security Council resolutions. With the assistance of those bodies, it had finalized a preliminary draft counter-terrorism act that would be submitted to Congress for adoption; legislation on countering the financing of terrorism was already in place.

17. Guatemala's geographic location made it a transit point for trafficking in drugs, small arms and light weapons, and persons by transnational organized crime. That fact, coupled with its extreme poverty, made it vulnerable to the commission of terrorist acts. Her delegation therefore supported full implementation of the Global Counter-Terrorism Strategy at all levels. In the 2005 World Summit Outcome (General Assembly resolution 60/1), Member States had stressed the need to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism during the sixtieth session of the General Assembly. Her delegation reiterated its support for the 2007 package proposal made by the Coordinator of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and hoped that substantive progress towards a consensus text would be made at the current session.

18. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) said that his delegation reiterated its strong condemnation of terrorism in all its forms and manifestations. However, combating terrorism should not result in the denial of human rights. More effective coordination and cooperation were needed between the police and the intelligence and security services, both within and between States, and a greater exchange of information between law enforcement agencies and decision makers and politicians. His delegation commended the International Civil Aviation Organization (ICAO) on its Regional Seminar on Machine Readable Travel Documents, Biometrics and Security Standards, held in Abuja in April 2009; and encouraged ICAO to pursue its training programme in aviation security.

19. In addition to the international instruments specified in Table 2 of the report of the Secretary-General (A/64/161), his country was also a party to the International Convention for the Suppression of Acts of Nuclear Terrorism. The international counter-terrorism treaties had been incorporated in its domestic law, and its national courts and tribunals, especially the military tribunals, now had jurisdiction to try those responsible for terrorist acts and to cooperate with other States and the relevant international and regional organizations in bringing them to justice. His country's legislation provided for the prevention and detection of transactions intended to finance terrorism, and its financial intelligence unit (CENAREF) had powers to tackle corruption and fraud. Act No. 024/2002 on the Military Criminal Code defined and criminalized terrorism, along with genocide, crimes against humanity and war crimes. On 3 October 2004, a group of army officers who had committed acts of terrorism had been sentenced by the military courts.

20. He urged delegations to pursue negotiations to conclude a draft comprehensive convention on

international terrorism. It should be borne in mind that there was an obvious link between the draft convention and the Statute of the International Criminal Court in view of the proposal to define the crime of terrorism and integrate it into the Statute at the Review Conference to be held in 2010. His delegation also supported the proposal to convene a high-level conference under the auspices of the United Nations, to establish a joint response to terrorism.

21. **Mr. Wong** Kang Jet (Singapore) said that the multiple attacks in Mumbai in 2008 and the bombings of the Marriott and Ritz-Carlton hotels in Jakarta in 2009 vividly demonstrated how terrorists had focused their attention on soft civilian targets, such as hotels, restaurants and public areas. The transnational and asymmetric nature of terrorism made it imperative for all countries to work closely together to combat it. They must also examine all the root causes of the problem, rather than merely addressing the symptoms.

22. There was a growing phenomenon known as self-radicalization whereby individuals developed radicalized views after encountering radical ideologies, especially on the Internet, which they then searched for bomb recipes, training and moral support. Counter-terrorism strategies must address that phenomenon, and community and religious leaders should seek to inoculate young people from extreme ideologies. Singapore relied heavily on members of all its religious communities to help counter misrepresentations of religion and build a tolerant and inclusive society. A number of Muslim religious leaders had formed the Religious Rehabilitation Group to counter radical ideologies, and had published materials online to rebut the misunderstandings circulating in cyberspace. When three self-radicalized individuals were detained in 2007 for involvement in activities posing a potential terrorist threat, they and their families were counselled by members of the Group in an effort to correct their misinterpretation of Islam.

23. In 2006 Singapore had launched a Community Engagement Programme to bring together different communities and develop response plans in the event of communal tension if a terrorist attack occurred. One component of the Programme was the formation of interracial and religious confidence circles, which served as regular platforms for leaders of local racial and religious communities to interact and build trust.

24. The United Nations had an important role to play in conveying the international community's unequivocal condemnation of terrorism in all its forms and manifestations. Implementation of the United Nations Global Counter-Terrorism Strategy must remain a priority. In March 2009 Singapore had welcomed a visit by the Counter-Terrorism Executive Directorate (CTED), and he encouraged Member States to work with both CTED and the Counter-Terrorism Implementation Task Force to strengthen collective counter-terrorism efforts. Work on a draft comprehensive convention on international terrorism should be completed soon, because it could be critical in forging an international response to terrorism.

25. **Mr. Loulichki** (Morocco) said that terrorist attacks in the past year in a number of countries, including some in the subregion to which his own country belonged, had shown that the fight against terrorism was far from won. Terrorism operated across borders and could emerge in any society. Individual action by States to combat terrorism was no substitute for collective action and commitment. His delegation firmly rejected any attempt to link terrorism with any particular religion, race, culture or ethnic or racial group; terrorists acted in disregard of all religious, legal and moral standards. The United Nations offered its Member States a legitimate universal framework to forge a collective response to terrorism as a transnational phenomenon. His delegation attached great importance to the conclusion of a draft comprehensive convention on international terrorism; it was ready to assist in overcoming the obstacles to completion of the convention and fully supported the efforts of the Coordinator.

26. Morocco was anxious to strengthen its national capacity for combating terrorism, especially in light of the worrying situation in the Sahelo-Saharan region. On the global plane, there were new threats stemming from uncontrolled sources of nuclear, radioactive and biological materials, and the black market in dual-use technologies International cooperation was vital to avert such risks, and his country was therefore committed to the United Nations Global Counter-Terrorism Strategy. The efforts of the international community to combat terrorism, however, must fall within a multidimensional framework aimed at tackling the deep-seated causes of terrorism by resolving international and regional conflicts, overcoming underdevelopment and promoting dialogue and

tolerance between cultures, religions and civilizations. Morocco supported the proposal by Saudi Arabia on establishing an international centre to combat terrorism, the proposal by Egypt on convening a high-level conference on terrorism, and the proposal by Tunisia on devising an international code of conduct to be followed in combating terrorism.

27. **Mr. Ayoob** (Afghanistan) said that his country was strongly committed to combating all acts of terrorism and extremism and it condemned in the strongest terms all forms and manifestations of terrorism. While its people and Government, with the support of the international community, were making significant progress in stabilizing and rebuilding the country after 30 years of war, foreign occupation and terrorist activity, the major destabilizing factor still remaining was the presence of terrorist and extremist groups in the region, led by the Taliban and Al-Qaida. They and other criminal groups were responsible for the deaths of thousands of civilians through brutal acts such as beheadings, roadside bombings and suicide attacks, and by burning schools, attacking schoolgirls, poisoning food and drinking water and destroying health-care centres, clinics, hospitals and roads.

28. Afghanistan had taken active measures to track and combat terrorist elements and to prevent the financing of terrorism through money-laundering. Banking and financial institutions were monitored and suspect bank accounts frozen, in line with Security Council resolution 1822 (2008). The Government had appointed a national counter-terrorism focal point. An inter-ministerial working group under the Ministry of Foreign Affairs coordinated the implementation of the international conventions and protocols related to international terrorism, to all of which Afghanistan was a party, and the country's compliance with Security Council resolutions. Afghan national security forces, including the army and police working alongside international military forces, were taking more responsibility for combating terrorism on the ground. His country was working closely with the Security Council Committees established pursuant to resolution 1267 (1999) and resolution 1373 (2001) and other Security Council bodies to strengthen the effectiveness of the United Nations sanctions regime against Al-Qaida and the Taliban. Afghan delegations had taken an active part in international workshops on terrorism sponsored by donor countries through the United Nations Office on Drugs and Crime (UNODC).

29. At the regional level, Afghanistan was a member of the South Asian Association for Regional Cooperation (SAARC), and was taking steps to adhere to its Regional Convention on Suppression of Terrorism, and its Additional Protocol. The Government of Afghanistan was actively participating in a trilateral mechanism on anti-narcotic and counter-terrorism activities.

30. His delegation supported the call for a high-level international conference, under the auspices of the United Nations, to formulate a joint organized response to terrorism. Concluding the draft comprehensive convention on international terrorism should be a top priority, and he acknowledged the efforts of the Ad Hoc Committee established by General Assembly resolution 51/210 to negotiate the outstanding issues. His delegation reaffirmed its support for the United Nations Global Counter-Terrorism Strategy, and welcomed the valuable role played by the Counter-Terrorism Implementation Task Force. The Task Force should be put on a sound financial footing to enable it to help countries build the necessary capacity to combat terrorism. His delegation also supported the proposal of the Custodian of the Two Holy Mosques to establish an international centre, under the auspices of the United Nations, to combat international terrorism, and it was in favour of the proposal to elaborate a global code of conduct in the fight against terrorism.

31. In order to defeat the common enemy, every State must fulfil its obligations under international law and international humanitarian law to combat terrorism, including by prosecuting and extraditing perpetrators, denying them shelter and safe havens, and not allowing terrorist and extremist groups to use their territories for training or for planning or financing terrorist attacks.

32. **Mr. Apakan** (Turkey) said that, while all forms of terrorism should be condemned unequivocally, the conditions conducive to it must be addressed. The Alliance of Civilizations was an important initiative, since no country was immune from terrorism and no culture or religion could be associated with it. It was important to avoid complacency, discrimination, indifference and double standards.

33. He welcomed the work of the Counter-Terrorism Implementation Task Force and the initial arrangements for its institutionalization. Member States should contribute to the full, effective implementation of the Global Counter-Terrorism

Strategy, the success of which would be judged by its concrete results. Turkey participated in the International Process on Global Counter-Terrorism Cooperation and was among the sponsors of the upcoming International Workshop of National Counter-Terrorism Focal Points.

34. **Mr. Ghazi Jomaa** (Tunisia) said that the continuing threat of terrorism underscored the need to understand the factors giving rise to it: the persistence of political and economic injustice, the failure to resolve longstanding conflicts, frustration, poverty, exclusion, marginalization and the defamation of religion. Security-oriented approaches and unilateral responses to terrorism were not enough; there must be a firm collective response based on a comprehensive approach, not confined to the treatment of symptoms but extending to an examination of underlying causes. While the United Nations remained the most appropriate framework for coordinating international action against terrorism, there was a need for greater synergy between its various organs and entities. The Security Council should be acting in concert with the General Assembly, and the briefings organized by its subsidiary organs should become a regular practice.

35. Tunisia would shortly be hosting a visit from the Counter-Terrorism Committee Executive Directorate (CTED), with a view to intensifying its cooperation with the Security Council. In line with its efforts to improve its counter-terrorism legislation, Tunisia had recently amended its anti-money-laundering law. For some years it had advocated the adoption of a code of conduct to be followed in combating terrorism. Tolerance and moderation were its watchwords. It had recently hosted the International Conference on Dialogue of Civilizations and Cultural Diversity, resulting in the adoption of the Kairouan Declaration, a set of proposals to implement the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

36. The differences concerning the draft comprehensive convention on international terrorism were not insurmountable. The aim was to conclude a global instrument capable of filling the gaps in the existing legal framework, and one which could be transposed to the national legal system of every Member State. It would be appropriate to evaluate the progress so far made, in order to decide on the approach to be followed at the next stage.

37. *Mr. Stastoli (Albania), Vice-Chairperson, took the Chair.*

38. **Mr. Benítez Versón** (Cuba) stressed that counter-terrorism measures must fully respect the Charter and the principles of international law and international humanitarian law. Arbitrary and unilateral measures, acts of aggression, covert acts, unilateral sanctions and the drafting of politically motivated lists or certifications of countries were wholly unjustifiable.

39. It was important to conclude work on a draft comprehensive convention that would fill the gap in the existing United Nations counter-terrorism instruments. The new convention must provide a clear definition of terrorism; its scope should include the activities of armed forces that were not regulated by international humanitarian law; and it should make a clear distinction between terrorism and the legitimate struggle of peoples in the exercise of their right to self-determination. He stressed the importance of greater interaction between the Counter-Terrorism Implementation Task Force and Member States and called for true political will in implementing the Global Counter-Terrorism Strategy without applying double standards.

40. Cuba had never allowed and would not allow its territory to be used to carry out, mastermind or finance terrorist acts against another State. It was one of the first three countries to have ratified the first 12 international counter-terrorism instruments and, having ratified the International Convention for the Suppression of Acts of Nuclear Terrorism, was now a party to 13 of those instruments. It had promulgated comprehensive counter-terrorism legislation, adopted non-legislative measures to combat that scourge and submitted comprehensive reports to the Security Council Committee established pursuant to resolution 1373 (2001) (Counter-Terrorism Committee).

41. For the past 28 years, the Government of the United States of America had included Cuba in a list of States that allegedly sponsored international terrorism. That inclusion constituted a politically motivated act by a State that had no moral authority to condemn others on the issue of terrorism. In the United States, chiefly in Miami, funds were collected to finance terrorist acts, bank accounts were maintained to finance terrorism, safe haven was provided to terrorists and those who financed, planned and committed acts of

terrorism against Cuba were granted freedom of movement.

42. For example, the notorious terrorist, Luis Posada Carriles, had downed a Cubana de Aviación airliner, killing 76 innocent civilians; had bombed Havana resorts; and had been implicated in plans to assassinate President Fidel Castro Ruz with funding provided by the United States Government. Although that Government was in possession of evidence against Mr. Posada Carriles that had been provided by Cuba since 1998, he had yet to be prosecuted for those acts and had merely been charged with immigration misdemeanours.

43. In the fight against terrorism, impunity, selectivity and double standards were unacceptable. His delegation therefore called for closer cooperation among States, respect for their sovereignty and non-interference in their internal affairs.

44. **Mr. Liu** Zhenmin (China) said that his Government had consistently opposed terrorism in all its forms and manifestations and was opposed to using terrorism as a means to achieve political objectives. It supported the Security Council and the General Assembly as leaders and coordinators of the international counter-terrorism effort, while stressing the need to respect the Charter and international law and to avoid linking terrorism with any specific civilization, ethnic group or religion. Prevention and punishment initiatives should be pursued in parallel and the root causes of terrorism, such as conflict, social unrest and injustice in international relations, should be addressed.

45. China was a party to 11 of the international counter-terrorism conventions and protocols and had met its obligations under those instruments in good faith. It was actively involved in regional efforts to combat terrorism within the framework of the Shanghai Cooperation Organisation (SCO) and, in that connection, was a party to the 2001 Shanghai Convention on Combating Terrorism, Separatism and Extremism and to the 2009 SCO Counter-Terrorism Convention, which provided a legal basis for counter-terrorism interaction among SCO members. China had also cooperated with its neighbours and other countries in counter-terrorism initiatives.

46. His delegation was in favour of a comprehensive convention on international terrorism and called on all parties to demonstrate political will and a constructive spirit. It supported the holding of a high-level meeting on combating terrorism, under United Nations auspices, when conditions were ripe, in order to provide policy guidance to the international legal counter-terrorism framework. Lastly, all relevant departments and specialized agencies of the Organization, as well as Member States, should strengthen their coordination and coherence with a view to comprehensive, balanced implementation of the Global Counter-Terrorism Strategy.

47. **Mr. Badji** (Senegal) said that his delegation condemned both terrorism in all its forms and manifestations and any attempt to associate it with a specific religion, culture, race or ethnic group. In implementing the Global Counter-Terrorism Strategy, States should cooperate more widely and actively by sharing information and coordinating efforts. The Counter-Terrorism Implementation Task Force had an important role to play in ensuring consistency in the actions taken by the United Nations system. It was essential to ensure that counter-terrorism measures were implemented in a manner consistent with international law, including international human rights and humanitarian law. Greater efforts should be made to address the conditions conducive to terrorism by promoting dialogue among civilizations and religions, combating prejudice and promoting tolerance and understanding among religions and cultures.

48. Senegal was a party to 13 of the international counter-terrorism instruments and urged delegations to make every effort to reach agreement on a draft comprehensive convention. His delegation supported the Egyptian proposal to hold a high-level conference on international terrorism as an appropriate forum for discussion of the difficult outstanding issues.

49. **Mr. Al-Adhami** (Iraq) said his delegation regretted that the Ad Hoc Committee established by General Assembly resolution 51/210 had not managed to resolve outstanding issues on a draft comprehensive convention on international terrorism and the holding of a high-level conference under United Nations auspices, and emphasized the importance of arriving at acceptable solutions with a view to strengthening the legal instruments for combating terrorism.

50. Iraq's strong condemnation of terrorism in all its forms was not based on considerations of principle alone. Indeed, Iraq continued to be the victim of brutal terrorist activities that targeted civilians and the

country's infrastructure and were aimed at thwarting the establishment of a democratic system based on the rule of law and respect for human rights. One such attack, perpetrated a month earlier, had targeted Iraqi State institutions, including ministries, and killed a large number of innocent civilians, including more than 40 employees of the Ministry of Foreign Affairs, in addition to wounding hundreds of others. The Iraqi Government had requested the Secretary-General to appoint a high-level official to investigate the explosions and the degree of foreign involvement in them, and the request had been reiterated by the President of Iraq in his speech before the General Assembly on 24 September 2009.

51. Thus, considerations of both principle and experience had led his delegation to stress the importance of completing the preparation of a draft comprehensive convention, while emphasizing the following points: measures to combat terrorism must remain within the framework of international law, human rights law and international humanitarian law; terrorism must not be associated with any particular religion or culture, and dialogue between religions and cultures must be encouraged; double standards must not be applied in combating terrorism; bilateral, regional and international cooperation must be strengthened to prevent and suppress acts of terrorism, including the adoption of effective measures and mechanisms to prevent the infiltration of terrorists from one country into another, deprive them of material support and prosecute or extradite them.

52. **Mr. Shapoval** (Ukraine) said that the United Nations and its specialized agencies should continue to play a key role in providing a solid legal basis for cooperation in combating international terrorism in a manner consistent with international law, including human rights, refugee and humanitarian law, the Charter and the relevant international instruments. The international community should endeavour to reach agreement on a draft comprehensive convention, and particularly on the question of how the actions of the parties in situations of foreign occupation should be viewed. The deliberate targeting and killing of civilians and non-combatants could not be justified by any cause or grievance. A just and lasting solution to problems of self-determination should be pursued, independently of negotiations on the draft convention, but there must be no ambiguity as to the scope of that instrument, and the question must be studied from the point of view of regional stability and protection of the people of each State. He called on delegations to make a greater effort at the current session of the General Assembly with a view to adoption of a draft convention.

53. No State was safe from terrorist acts, which were intended to achieve specific political goals but were often linked to other criminal activities, such as money-laundering and trafficking in drugs and weapons. Only a strong coalition of nations based on shared principles and values and on the Charter could prevent and combat such acts by pursuing them on all fronts and in all countries.

54. **Mr. Nega** (Ethiopia) said that his country had been a victim of terrorism in recent years, with attacks on hotels, public transport vehicles and markets. Such acts should be condemned by all peace-loving nations. Terrorism was an international crime, and called for an international response. The cooperative counter-terrorism framework established at the subregional, regional and international levels was encouraging, but more was needed. Ethiopia attached great importance to multilateral cooperation. It was a party to 9 of the 13 international instruments on terrorism, and was considering ratification of the remainder.

55. The rise in the number of international terrorist acts committed in Africa pointed to the increased vulnerability of the continent, which in addition to loss of life had been affected by damage to its infrastructure, the withdrawal of investors and a decline in tourism. The situation was worst in the Horn of Africa, where explosives were the weapon of choice for terrorists and humanitarian targets were more common. Regional mechanisms were vital for taking collective action against terrorism. Member States of the Intergovernmental Authority for Development (IGAD) in Eastern Africa were collaborating to improve their security arrangements, especially within and along their border areas. Member countries of IGAD had also adopted conventions on mutual legal assistance in criminal matters, and a convention on extradition.

56. At the national level, Ethiopia's parliament had recently adopted an anti-terrorism proclamation dealing with the prevention and control of terrorist acts and the means to combat money-laundering and the financing of terrorism. The law also covered the protection of telecommunications and electric power networks; the prohibition of the development,

production and use of chemical weapons; immigration; and offences against the safety of aviation. National banking systems had also been strengthened to prevent the financing of terrorist groups.

57. Ethiopia was threatened by both international and domestic terrorist groups. Insurgent groups such as the Oromo Liberation Front (OLF) and the Ogden National Liberation Front (ONLF) had been linked to most of the violent attacks in the country in the recent past. It was also under threat from international terrorist groups such as Al-Ittihad al-Islami and Al Shabaab, linked to Al-Qaida, which were based in Somalia. Ethiopia had put in place mechanisms to implement the international conventions, protocols and United Nations resolutions by which it was bound and had expressed its readiness to step up its efforts to implement the United Nations Global Counter-Terrorism Strategy. It had frozen bank accounts owned and managed by foreign or home-grown terror suspects with links to major terrorist organizations, including accounts linked to the Barakat International Group, which had been found to have been involved in financing terrorist activities. Ethiopia actively exchanged information with neighbouring countries, inter alia, through the Eastern Africa Police Chiefs Cooperation Organisation. Lastly, his delegation supported the early conclusion of the negotiations on a draft comprehensive convention on international terrorism.

58. **Mr. Yun** Yong Il (Democratic People's Republic of Korea) said that terrorism was gaining ground and posing serious threats to human life, stability and world peace. However, erroneous attempts to link terrorist acts to religious or ethnic problems merely exacerbated tension between countries. Worse still, intervention in the affairs of sovereign States and violations of human rights were being condoned under the pretext of counter-terrorism. The armed invasions of Afghanistan, Iraq and Palestine and the massacre of civilians were typical examples of State terrorism and human rights violations, resulting in a vicious cycle of terrorism and retaliation.

59. All Member States should form a correct view of the root causes of terrorism, and seek effective means to combat it. The best way to eliminate terrorism was to establish a fair international order based on justice and equality and to eradicate all forms of domination, intervention and social inequality, while promoting sustainable development. Member States should respect one another's ideologies, systems, cultures and traditions. State terrorism, which aimed to encroach upon the sovereign rights of nations and to overthrow legitimate governments, must be brought to an end. A draft comprehensive convention on international terrorism should lay down clear rules to stamp out terrorism by State armies. The counter-terrorism effort should not be abused by individual States for their own political ends. Any attempt to categorize another country as a State sponsoring terrorism, to bring pressure to bear upon it or impose sanctions on it should be resolutely rejected. His own country opposed terrorism in all its forms and manifestations, as well as assistance to terrorists, and would continue to fulfil its obligation to eliminate it and to build a new and peaceful world.

60. **Mr. Guibila** (Burkina Faso) said that differences, often profound, had at times, been an obstacle to effective cooperation among States in fighting the menace of terrorism. True, the General Assembly, the Security Council and some of the specialized agencies had exerted considerable effort to develop and promote the various international instruments against terrorism. The United Nations Office on Drugs and Crime (UNODC) and its Terrorism Prevention Branch had provided valuable technical assistance to over 100 countries in ratifying and implementing those instruments. Unfortunately, much remained to be done.

61. Burkina Faso, which condemned terrorism in all its forms and manifestations, stood ready to join in the efforts of the international community to combat terrorism. It was a party to 12 of the international counter-terrorism instruments, including those of the African Union and the Organization of the Islamic Conference. In February 2009 it had hosted an assessment mission by the Counter-Terrorism Executive Directorate (CTED).

62. It was essential to finalize without delay a draft comprehensive convention on international terrorism. His delegation could accept the proposed compromise texts, including that for draft article 18, provided the right of peoples to self-determination was preserved. Moreover, a clear line must be drawn between the scope of the future convention and that of international humanitarian law. His delegation also favoured the proposal to convene a high-level international conference on terrorism, under the auspices of the United Nations.

63. From a practical standpoint, it was essential to ensure consistency between the actions of the Security Council, the General Assembly and all the other United Nations entities concerned, through the Counter-Terrorism Implementation Task Force. The capacity of the Task Force should be strengthened to enable it to play its role to the full in implementing the Global Counter-Terrorism Strategy, the only mechanism adopted by consensus. The necessary technical assistance should be provided to countries that required it to build their capacity to combat terrorism. Lastly, every effort should be made to avoid linking terrorism with any particular culture or belief system.

64. **Mr. Shautsou** (Belarus) said that terrorism was a universal phenomenon knowing no borders and could only be eliminated through collective measures at both the global and the regional levels. He invited delegations to consider the idea proposed by Belarus during the general debate in the General Assembly to designate 11 September international counter-terrorism day. The Security Council's Counter-Terrorism Committee played a significant role in enhancing the capacity of the United Nations to combat terrorism. The General Assembly should, however, play the central role, especially through the completion of a draft comprehensive convention on international terrorism. His delegation hoped that consensus could be reached on the draft and stood ready to lend support to the Ad Hoc Committee established by General Assembly resolution 51/210.

65. Belarus was complying with the provisions of the International Convention for the Suppression of Acts of Nuclear Terrorism, and had endorsed the statement of principles of the Global Initiative to Combat Nuclear Terrorism. It was willing to expand its multilateral cooperation in keeping with Security Council resolutions 1373 and 1540. Belarus had considerably improved its national legislation and infrastructure relating to nuclear and radiation safety, in accordance with the Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Acts of Nuclear Terrorism. At the regional level, it contributed to the fight against terrorism through the Commonwealth of Independent States (CIS), the Collective Security Treaty Organisation (CSTO), the Eurasian Group on Combating Money Laundering and the Financing of Terrorism (EAG) and the Organization for Security and Co-operation in Europe (OSCE). The police services of the CIS countries exchanged information about methods of combating terrorism and how to improve the legal framework for that purpose. Belarus regularly participated in the CSTO strategic counter-terrorism training sessions.

66. **Ms. Mwaipopo** (United Republic of Tanzania) said that addressing the root causes of terrorism continued to be the key to successful implementation of the Global Counter-Terrorism Strategy. Her country had established a national counter-terrorism centre composed of police and military personnel, as well as anti-terrorism units within its defence and security organs. The Government was currently preparing regulations for the implementation of the Prevention of Terrorism Act of 2002. At the regional level, the United Republic of Tanzania cooperated with neighbouring countries through the East African Police Chiefs Cooperation Organisation (EAPCCO) and the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO). As a member of the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), it had recently been assessed in relation to Financial Action Task Force (FATF) standards and was making efforts to implement the FATF recommendations on money-laundering and terrorist financing. It was also working closely with the relevant organs of the United Nations to enhance its capacity to implement all Security Council resolutions on terrorism.

67. The United Republic of Tanzania faced major challenges in defending its borders and fighting terrorism. As an emerging economy based on foreign investment and tourism, it was vulnerable to terrorist attacks and the spread of terrorism from other countries and regions. To update and strengthen its preventive and responsive capacity, continued support was needed from the UNODC, the United Nations Development Programme (UNDP) and the International Criminal Police Organization (INTERPOL).

68. Work on concluding a draft comprehensive convention on terrorism should be speeded up, and she called on Member States to muster the political will needed to reach agreement on the outstanding issues. The longer the delay, the more sophisticated international terrorism became in its strategies and tactics.

69. **Mr. Baghaei Hamaneh** (Islamic Republic of Iran) said that, unfortunately, terrorism had long been

manipulated by some as political leverage against others. Certain Powers had applied a double standard in relation to a notorious terrorist group that had killed and injured many thousands of Iranian citizens. His country welcomed the decision by the Iraqi authorities to put an end to the presence of that group in their territory, and to bring its leaders and other criminal elements to justice.

70. Counter-terrorism measures must be carried out in full conformity with the rule of law and respect for human rights and humanitarian law, without sacrificing the principles of the United Nations Charter, especially those concerning the sovereignty, territorial integrity and political independence of States. Counter-terrorism strategies should address the conditions conducive to the spread of terrorism by identifying and eradicating its underlying causes: conflict, foreign occupation and the unlawful use of force by States. The unparalleled rise in terrorism in his own region in recent years had been generated mainly by conflict and war inflicted on the region from outside. The international community should help affected countries to restore their peace and stability.

71. Killing and maiming innocent people and generating terror and intimidation among civilians could not be justified in any manner, whether the perpetrators were terrorist groups or State military forces. A consensual definition of terrorism in a draft comprehensive convention on international terrorism must be objective, must include all kinds of terrorist acts and must distinguish clearly between acts of terrorism and the legitimate struggle for self-determination of peoples under foreign occupation. A comprehensive convention should criminalize acts of terrorism by a State, including its military forces. Article 33 of the Fourth Geneva Convention, which prohibited all "measures of intimidation or of terrorism" during a conflict, could provide a basis for criminalizing such acts of States during peacetime. There should be no attempt to link any particular religion, culture or nation with terrorism. The true principles of Islam rejected aggression, prohibited the killing of innocent people and valued peace, compassion and tolerance.

72. For decades, his country had been at the forefront of a costly war against transnational drug traffickers, whose proceeds helped to finance some terrorist groups in the region. Acknowledging the vital role of UNODC, including its Terrorism Prevention Branch, his delegation urged the international community to pay more attention to that problem.

73. The Islamic Republic of Iran had acceded to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, and the Convention on the Marking of Plastic Explosives for the Purpose of Detection. It had also enacted an anti-money-laundering law and was ready to cooperate with other countries, especially its neighbours, and with the relevant United Nations bodies in fighting terrorism.

74. **Mr. Starčević** (Serbia) said that delegations' statements under the agenda item showed little progression in the dilemmas, arguments and differences presented since the agenda item had first been adopted. That fact testified to the complexity of the problem of terrorism and the persistence of some of its underlying causes. He hoped that it would be possible to resolve the outstanding issues and complete work on a draft comprehensive convention at the current session and to agree on the convening of a high-level conference on international terrorism.

75. Effective coordination in implementing the Global Counter-Terrorism Strategy should be further strengthened in accordance with the Charter and with international law in order to reaffirm the leading role of the United Nations. His delegation therefore welcomed the efforts of the Secretary-General, the Counter-Terrorism Committee and the Counter-Terrorism Implementation Task Force to assist Member States in their national implementation efforts and to strengthen partnerships between States and other stakeholders.

76. Serbia was a party to the overwhelming majority of the international counter-terrorism instruments and was doing its utmost to implement fully the relevant General Assembly and Security Council resolutions, particularly resolution 1373 (2001). It had also joined in the counter-terrorism efforts of the Organization for Security and Co-operation in Europe (OSCE), the Council of Europe and the European Union.

77. In view of the geopolitical situation of its region, it attached great importance to regional and subregional cooperation and in 2006 had hosted a Summit of States of South-East Europe on combating organized crime and terrorism; the participants had

expressed their readiness to enhance subregional, regional and international cooperation in the areas of border and customs control; prevention and detection of the movement of terrorists; prevention of trafficking in small arms and light weapons, conventional ammunition and explosives, nuclear, chemical, biological or radiological weapons and materials; and combating organized crime. A national expert workshop on combating terrorist use of the Internet and comprehensively enhancing cyber-security, organized in cooperation with OSCE, had been held in Belgrade in February 2009. In March 2009, as a result of close cooperation with UNODC, the States of South-East Europe had signed a joint statement on cooperation in combating organized crime, terrorist financing and money-laundering.

78. In connection with Security Council resolution 1540 (2004), the States of the region had launched an initiative designed to promote non-proliferation and counter the use of chemical, biological, radiological and nuclear weapons and high-yield explosives. He hoped that, with the assistance of the United Nations, the Organisation for the Prohibition of Chemical Weapons, the International Atomic Energy Agency (IAEA), the European Union and other interested States and organizations, comprehensive national strategies for combating the proliferation of weapons of mass destruction and terrorism would be developed. In September 2008, his Government had adopted a national strategy for combating money-laundering and the financing of terrorism. It had signed over 30 bilateral agreements on mutual legal assistance and had incorporated into its Penal Code new provisions regarding criminal responsibility for the violation of sanctions imposed by international organizations.

79. Many terrorist acts had been committed in the portion of Serbia that was currently under international administration. He urged the international civilian and military authorities in the Kosovo province to step up their efforts to combat that problem, in accordance with their respective mandates, and to ensure the safety of all the inhabitants.

80. **Ms. McLeod** (United States of America) said that all acts of terrorism, by whomever committed, were criminal, inhumane and unjustifiable, especially when they targeted and injured civilians. Her delegation recognized the central role of the United Nations in coordinating Member States' counter-terrorism efforts and bolstering States' ability to prevent terrorist acts. The 16 international counter-terrorism instruments provided a thorough legal framework for cooperation among States; she noted, in particular, that the International Civil Aviation Organization was considering updates to the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft and the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

81. Her delegation supported the drafting of a comprehensive convention that would strengthen the existing legal regime and reinforce the critical principle that no cause or grievance justified terrorism in any form. Any resolution of the outstanding issues must be predicated on a shared and clear understanding of two fundamental principles: first, the new convention could not allow terrorist groups to claim that their criminal acts were excluded from its scope in the name of political liberation or resistance to foreign occupation; and, second, its scope should not extend to State military action, which was subject to other international legal regimes. The Coordinator's 2002 proposal best reflected those fundamental principles by incorporating text that was the subject of careful compromise and had been accepted by 162 States in the 1997 International Convention for the Suppression of Terrorist Bombings and in four other recent counter-terrorism instruments. While she appreciated the efforts of those who had made other proposals in an effort to finalize the text of the draft convention, she noted that to date, those proposals had not been supported by the Member States that had objected to the 2002 proposal. Her delegation stood ready to consider carefully any new proposal that was consistent with the fundamental principles that she had outlined.

82. Speaking in exercise of the right of reply, she said that in the case of Luis Posada Carriles the United States had acted in accordance with international law and with its domestic legal framework, which provided for due process and various constitutional safeguards; an individual could not be brought for trial or extradited without probable cause. Mr. Posada Carriles had entered the United States illegally in early 2005 and had been detained by the immigration authorities in May of that year. An immigration judge had ordered his removal from the country in September 2005; that order remained in effect and the authorities were seeking ways to implement it in a manner consistent with their obligations under the Convention

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

83. In April 2009, Mr. Posada Carriles had been indicted and charged with lying about his involvement in certain terrorist bombings in Havana; he was scheduled to be tried in early 2010. In the meantime, he was without legal status in the United States and was subject to an order of supervision, issued by the Department of Homeland Security's Immigration and Customs Enforcement service, which included reporting and monitoring requirements.

The meeting rose at 1.05 p.m.